United Nations CEDAW/C/SR.1227

Convention on the Elimination of All Forms of Discrimination against Women

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English only

Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record of the 1227th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 8 July 2014, at 10 a.m.

Chairperson: Ms. Jahan (*Vice-Chairperson*)

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Combined fourth and fifth periodic reports of Georgia

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Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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Please recycle

In the absence of the Chairperson, Ms. Jahan (Vice-Chairperson) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined fourth and fifth periodic reports of Georgia (CEDAW/C/GEO/4-5; CEDAW/C/GEO/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Georgia took places at the Committee table.*

2. **Ms. Kobakhidze** (Georgia), introducing the combined fourth and fifth periodic reports (CEDAW/C/GEO/4-5), said that the broad and high-level delegation underscored the importance Georgia attached to its reporting obligations under the Convention and its willingness to enhance women's rights. In that connection it had recently signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which would enter into force on 1 August 2014. However, the most recent and important legislative development had been the adoption, in May 2014, of a comprehensive anti-discrimination law explicitly prohibiting all forms of discrimination on the grounds of gender; the Office of the Public Defender (Ombudsperson) would monitor its implementation. A national human rights strategy and action plan had also been approved in April 2014 requiring the Government to ensure gender mainstreaming in all policies and programmes. In addition, the Law on Gender Equality had entered into force leading to the establishment of the Gender Equality Council to coordinate gender issues. A national action plan for the implementation of the United Nations Security Council resolutions on women, peace and security for 2012–2015 had been adopted. Similarly, a national action plan on gender equality for 2014–2016 had been adopted, in line with the Council of Europe Gender Equality Strategy 2014–2017.

3. In 2012, the Government had begun a review of the Labour Code to bring labour laws into line with international conventions. As a result, from January 2014, maternity pay and leave had improved; furthermore, overtime for pregnant women or those who had recently given birth and the termination of a contract on the ground of pregnancy were now prohibited. Amendments would be introduced to the Civil Code to recognize the status of single mothers entitling them to additional benefits. Furthermore, a strategy and action plan developed by the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees envisaged special support for female-headed families and single mothers.

4. In the area of health, national laws and regulations and State and donor-supported health programmes guaranteed equal access to health care for men and women. Every woman was guaranteed a basic package of free antenatal and perinatal care, and women in certain age groups were entitled to breast and cervical cancer screening. Georgia had made significant progress in achieving the health-related Millennium Development Goals, including a 54 per cent reduction in maternal mortality rates, increased antenatal care visits, lower abortion rates and improvements to family planning services. However, it still needed to improve regionalization and standardization of perinatal care and reproductive health services. A comprehensive analysis of selective abortion was under way, in partnership with the United Nations Population Fund.

5. The Government faced serious challenges in the occupied regions of Georgia, where heavy restrictions on freedom of movement had been imposed. Up to half a million internally displaced persons and refugees, among them hundreds of thousands of women, continued to be deprived of their fundamental right to a safe and dignified return. Georgia was working with United Nations agencies and the donor community to meet the basic

needs of the people living in affected areas. It remained hopeful that the international community would respond to calls and react to the illegal activities in the occupied regions and the ongoing violations of human rights.

6. Domestic violence was being addressed through a law on the elimination of domestic violence and protection and assistance to victims, adopted in 2006, and a national action plan, adopted in 2013. The Government was focusing on capacity-building and training for law enforcement officials on issues related to domestic violence. Training was also planned for prosecutorial staff in 2014 on gender equality, violence against women and domestic violence.

7. Combating human trafficking remained a top priority and action taken included setting up mobile trafficking inspection groups, a special anti-trafficking unit and a task force. In addition, guidelines for law enforcement officials had been drawn up and an article on trafficking in the Criminal Code had been amended to make it clearer. As a result, the number of investigations, prosecutions and convictions had risen. The State Fund for the Protection and Assistance of the Victims of Trafficking continued to provide shelter, legal aid and medical assistance and ran rehabilitation and reintegration programmes for victims to meet the special needs of women and girls.

8. Steps to enhance women's political participation included offering financial incentives to political parties to place more women on candidate lists in the 2014 municipal elections. The 2012 general election had resulted in an 11 per cent female representation in parliament, with women holding key ministerial portfolios in justice, education and science, foreign affairs and environmental protection. Women also headed the National Security Council and the Central Election Commission. Visible progress had also been made in the economic empowerment of women.

9. Gender equality advisers had been appointed in municipalities to support the implementation of the Law on Gender Equality through training and other activities. Financial support to promote gender equality was wide-ranging and included preferential credit programmes for agricultural activities for both men and women and the inclusion of a gender component in investment projects. Public spending on health care and education and pensions had been increased and gender was taken into account when preparing the State budget.

10. Education was an area where there was less discrimination against women. Nevertheless, appropriate measures had been taken, inter alia, to ensure: emphasis on gender equality in the revised national curriculum; gender awareness-raising at all educational levels; training on gender equality for teachers, and specialized training for educational psychologists on how to identify victims of bullying, domestic violence and sexual violence; greater female participation in vocational education; better education opportunities for women in prisons; grants to encourage more women to undertake PhD studies and participate in scientific research; and awareness-raising in regions with high numbers of ethnic minorities of discrimination, domestic violence and human rights and fundamental freedoms, including gender rights.

11. In the military, a gender equality strategy had been adopted in 2014 to guarantee equal rights, freedoms and opportunities for men and women and to comply with the State party's international obligations. Less stringent physical test requirements had been introduced for women to encourage more of them to apply for the Armed Forces and steps had been taken to eradicate all forms of sexual violence. Training was provided to military personnel on gender equality and United Nations Security Council resolution 1325 (2000).

12. As to the police, an action plan had been devised to increase the number and strengthen the role of women in the force, and special capacity-building and awareness-raising measures on gender equality and gender-based violence, in particular domestic

violence had been adopted. The topic of domestic violence was a mandatory part of the police academy curriculum and campaigns to raise public awareness of women's rights and existing legal mechanisms on domestic violence and other gender-based violence had been organized.

13. Women deprived of their liberty were protected against gender-based discrimination in the prison system. Both pretrial and convicted female prisoners were held separately from male prisoners and pregnant inmates and those with children up to 3 years of age were housed in a separate mother and child unit. Female prison cells were the same size as those of male prisoners and female inmates were entitled to more family visits and telephone calls than their male counterparts. A separate parole board considered the cases of female inmates. Prisoner health-care services had been brought into line with national standards and were equally accessible to female and male prisoners. The specific health-care needs of female prisoners were provided for. A strategy and action plan for female prisoners, drafted in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial measures for Women Offenders (the Bangkok Rules), was being finalized and training on the implementation of those rules was being organized.

14. The Ministry of Culture promoted gender equality through various projects such as funding the translation and publication of books by Georgian female writers and promoting national minority cultures and traditions through activities in museums, theatres and cultural centres. The Ministry of Youth and Sports was taking steps to eliminate discrimination against women and ensure gender equality in education, public and political life and sport, in accordance with articles 7 and 10 of the Convention. Legislation required television and radio broadcasters to reflect the ethnic, cultural, language, religious, age and gender diversities in Georgian society in their programmes; women's rights were given ample coverage in programmes by public broadcasters.

Articles 1 to 3

15. **Ms. Neubauer** asked whether the new anti-discrimination law provided for enforcement measures and sanctions and appropriate remedies; whether the Law on Gender Equality would be reviewed to ensure its enforceability; and how the two laws would coexist in practice. Were the provisions of the two laws consistent, particularly in terms of defining multiple discrimination? She wished to know whether the new anti-discrimination law envisaged shifting the burden of proof in cases of alleged discrimination, including on grounds of sex and gender. She asked whether the provisions on non-discrimination and equality under the Law on Gender Equality and other domestic legislation had ever been applied. Had the Convention ever been invoked in court cases; and, if so, had victims been adequately compensated for violations of their rights under the instrument. Lastly, was a system in place to monitor progress regarding women's equal access to justice and remedies?

16. She enquired about the existence of disaggregated data on complaints lodged with judicial and quasi-judicial and administrative bodies such as labour inspectorates, and of information on the number of women employed in law enforcement bodies and judicial and quasi-judicial institutions. She also enquired about the human and financial resources available to the Office of the Public Defender to oversee implementation of the anti-discrimination law and to investigate complaints. If the Office did not have sufficient resources, she wondered how it could carry out its tasks and fulfil its purpose as a fully-fledged national equality body.

17. **Ms. Schulz** sought confirmation that the new anti-discrimination law was already in force and emphasized that it should protect internally displaced women, women in detention, especially on drugs-related offences, and lesbian, gay, bisexual, transgender and intersex (LGBTI) women.

18. She asked whether gender mainstreaming was included in efforts to address the long-term housing, economic empowerment, poverty alleviation, health and education needs of internally displaced persons (IDPs), and what steps had been taken to prevent discrimination against internally displaced women, especially single and older women, women with disabilities and female heads of households. Was there a strategy to ensure that women were part of people-to-people diplomacy and national and international efforts to resolve the post-conflict situation? What support was being received in the light of United Nations Security Council resolution 1325 (2000) subsequent resolutions and the Committee's general recommendation No. 30? She wondered whether consideration had been given to the specific needs of internally displaced women according to where they lived and the length of time they had been displaced. How were security issues being tackled in conflict-affected villages, where women were exposed to a heightened risk of sexual exploitation and violence?

19. Concerning LGBTI persons, she asked whether sexual orientation was covered in both the anti-discrimination law and the Criminal Code; what measures were planned or had been adopted to guarantee that LGBTI persons enjoyed their rights to association and peaceful demonstration and to protect LGBTI human rights defenders and NGO personnel against police violence and mistreatment. She enquired about measures to combat homophobic statements and smear campaigns against the LGBTI population, and whether there were plans to ease the requirement for transgender persons to undergo irreversible treatments before being entitled to apply for new identity papers.

20. Regarding women in detention, she asked: what steps had been taken to ensure that female prisoners benefited from their right to more family visits and telephone calls than male prisoners; when female prisoners would be accorded the right to the conjugal visits already enjoyed by male prisoners; whether the past history of female prisoners was taken into account, particularly violence and drug and/or alcohol dependency, with a view to offering relevant treatment to facilitate their reintegration after release. Were there any plans to amend legislation on drug-related offences, in particular with the aim of introducing different penalties for private consumption and drug trafficking and alternative sanctions, such as community service, for minor offences?

21. **Ms. Leinarte** wondered whether sufficient human and financial resources had been allocated to the Gender Equality Council to coordinate implementation of its action plan to promote gender equality and undertake its other responsibilities. Did the fact that it was a legislative body pose a serious problem for implementing the plan?

22. She requested further details of the national human rights strategy and action plan, including how they would strengthen institutional mechanisms and implement gender mainstreaming policies. She asked whether sufficient financial resources would be allocated to the new human rights council envisaged under the strategy to enable it to implement gender policies, in line with the recommendations of the Beijing Platform for Action. She also requested more information on the strategy to develop national institutions for the advancement of women at the local level.

23. **Mr. Lordkipanidze** (Georgia) confirmed that the laws on both gender equality and non-discrimination contained definitions of discrimination and had overlapping areas of application: the anti-discrimination law focused on institutional issues and served to strengthen the gender equality law. He read aloud articles 2 to 4 of the anti-discrimination law, which defined its scope and the measures available under it, and article 6, which listed the functions of the Office of the Public Defender. The Office monitored implementation of the law and also published an annual report on progress in the area of gender equality. The burden of proof in cases brought before the Office was on the applicant rather than the respondent. In theory, any person considering themselves a victim of discrimination could apply for damages in court, but no claims had yet been received.

24. **Ms. Kobakhidze** (Georgia) said that additional funding for the Office of the Public Defender was being considered for 2015, and two new departments were to be added that would specialize in anti-discrimination law. Perhaps the law had not been invoked yet because it had come into force only recently.

25. **Ms. Jashi** (Georgia) said that Georgia had no stand-alone institution for gender equality but that the Gender Equality Council brought together representatives of the executive power and other ministries; as for the action plan on gender equality, the Council had cooperated closely with international NGOs and the legislative and judicial branches.

26. Georgia's regulations on mandatory sterilization for transgender surgeries were no less liberal than those of other Commonwealth of Independent States countries, and sterilization only took place with a patient's informed consent. Georgia had invested considerably in medical services for prisoners and was standardizing health care for the general public and the prison population. A working group was preparing amendments to the existing drug policy, including separate penalties for private consumption and trafficking and requirements for emergency medical services to involve law enforcement officials in cases of overdose. In terms of treatment, over 2,500 intravenous drug users currently benefited from methadone replacement therapies funded by the State, for which pregnant women prioritized.

27. **Mr. Lordkipanidze** (Georgia) said that the Government was revisiting its definition of single mothers in the Civil Code. In the Labour Code, maternity leave had recently been increased from four to six months and overtime work had been prohibited for mothers who had recently given birth.

28. **Ms. Verulashvili** (Georgia) said that female prisoners had monthly entitlements to three short visits, five 15-minute phone calls, three hour-long visits and three Skype video calls – free of charge for those from socially vulnerable families. The Government was required to create capacity for overnight visits by 2015. When employment was available, socially vulnerable prisoners were given priority. Special attention was paid to mothers of children in foster care and children up to 3 years of age were permitted to stay with their mothers in specialized units equipped with health-care and dietary facilities. Free legal aid was available to all prisoners; moreover, each prison had a legal counselling unit and NGOs sometimes provided legal services. For the treatment of substance abuse, methadone was available outside institutions, and physicians, specialists in substance abuse and psychologists were on hand in most prisons.

29. **Ms. Gueshashvili** (Georgia) said that a law on IDPs had entered into force in March 2014 and was designed to bring national legislation into line with international standards by setting out a definition of IDPs, ensuring greater protection against arbitrary evictions and increasing their allowances. A variety of measures helped mainstream the gender issue in relation to IDPs: questionnaires on IDP living conditions had been sent to families concerned and the responses would be analysed as part of a technical assistance project with the European Union; a housing allocation points system had been introduced, giving female-headed households and vulnerable women priority access to housing; an IDP livelihood action plan had established women as priority targets allowing them to benefit from a number of socioeconomic programmes; IDPs had been acknowledged as a vulnerable category in various interministerial education and health programmes; and the criteria for gaining IDP status had been extended, including to persons who could not use agricultural lands due to the security risk.

30. **Mr. Tsiskarishvili** (Georgia) said that the Government had difficulties implementing the Convention in the occupied territories of Abkhazia and Tskhinvali Region/South Ossetia, as it was unable to exercise effective control. The situation on the ground had deteriorated since the previous dialogue with the Committee in 2006. In

addition, owing to the decision of the Russian Federation not to maintain human rights monitoring mechanisms in the area and the inability of the European Union monitoring mission to access the region, Georgia could not guarantee effective investigations into human rights violations.

31. **Ms. Kvirikashvili** (Georgia) said that the right of assembly was enshrined in the Constitution and applied to all persons, including LGBTI persons. The Ministry of Internal Affairs had conducted an investigation into the alleged violation of LGBTI rights at a rally on 17 May 2013 and brought charges against five persons under article 161 of the Criminal Code. In 2012, the Criminal Code had been amended establishing discrimination on the grounds of sexual orientation or gender identity as an aggravating factor in criminal offences. Guidelines for various bodies were being updated to reflect the amendment, including for the Office of the Prosecutor General.

32. **Mr. Tangiashvili** (Georgia) said that his Government fully supported projects by international organizations to promote the role of women in the occupied territories and encourage cooperation on the two sides of the disputed territories. In addition, Georgian representatives actively participated in international discussions held in Geneva on issues such as United Nations Security Council resolution 1325 (2000) and the Incident Prevention and Response Mechanism.

33. **Ms. Magradze** (Georgia) said that training was currently being dispensed on drawing up a gender budget.

34. **Mr. Lordkipanidze** (Georgia) said that statistics on domestic violence and sexual offences were available to the public on request from the Office of the Prosecutor General.

35. **Ms. Halperin-Kaddari** asked for the recent anti-discrimination law to be translated into English.

36. **Ms. Neubauer** said that as the new anti-discrimination law had not been invoked in court, women might not be aware of their rights. She asked how the Government, rather than NGOs, made the Committee's recommendations and concluding observations known to the public.

37. **Mr. Bruun** asked whether it was true that the new anti-discrimination law was applicable only to issues not covered by other legislation and thus could not prevail over existing discriminatory laws; whether the Convention was directly applicable in the Georgian legal system and could take precedence over existing discriminatory legislation; and why the Government had abandoned the idea of having an inspector for equality protection.

38. **Ms. Šimonović** asked, as an extension to Ms. Neubauer's question, whether the delegation believed that the public was sufficiently aware of and knowledgeable about the Convention and its Optional Protocol. She also sought confirmation that Georgia had a monistic system, as implied by article 6, paragraph 2, of its Constitution, and asked whether information on the Convention and the Committee's jurisprudence was provided to lawyers and prosecutors.

39. **Ms. Leinarte** asked what role the human rights council would play, given that the Gender Equality Council was the main body for coordinating and implementing gender mainstreaming; and how much human and financial resources would be allocated to the Gender Equality Council.

40. **Ms. Schulz**, clarifying her earlier questions, said that she wished to ascertain: whether free legal aid was available to detainees not only for criminal cases but also for civil ones; and whether the State party planned to ease the requirement that transgender

persons should undergo irreversible treatment in order to obtain new identity papers, and not whether irreversible treatments for transgender persons were mandatory.

41. **Ms. Kobakhidze** (Georgia) explained that the Gender Equality Council was a permanent body, comprising 12 members of parliament, half of whom were women. It did not have its own budget. A special advisor would soon be appointed to advise parliament on gender equality policies; the advisor would work with an interagency council, which would be responsible for implementing the actions plans on domestic violence and human trafficking.

42. **Ms. Kobakhidze** (Georgia) added that, although no cases relating to discrimination had been brought under the new anti-discrimination law, there had been many cases relating to domestic violence and human trafficking of which her delegation could provide the Committee with relevant details. Amendments to several laws had recently been adopted on free legal aid to prisoners in cases of administrative offences, domestic violence and some civil cases. The English translation of the anti-discrimination law was already available and could already be provided to the Committee.

43. **Ms. Gabitashvili** (Georgia) said that human rights, including gender rights and non-discrimination, formed part of the syllabus for civic education, which was a compulsory subject for grades 9 and 10 under the national curriculum of Georgia for 2011 to 2016. In partnership with the NGO sector, the Ministry of Education had been monitoring delivery of the civic education syllabus very closely and was reviewing the number of hours allocated to the subject, the grades at which it was taught, and the guidance on syllabus delivery provided for teachers as part of a comprehensive review of the national curriculum to align it with the national action plan on gender equality.

44. The National Centre for Teachers' Professional Development ran training courses to support implementation of the Convention's provisions, including programmes for civic education teachers. Professional guidelines had been developed for teachers which encompassed minority issues, equality, stereotypes, discrimination and other human rights subjects. The Women's Information Centre, a local NGO, also offered gender-related training programmes.

45. Various initiatives had been launched in different parts of Georgia under the Ministry of Education and Science's vocational training strategy for 2012–2013. Inclusive education had been introduced in 2006 and had been compulsory in State schools since 2012, including in vocational training schools, and recent figures indicated that there were currently 42 women with special educational needs enrolled on vocational programmes.

46. **Mr. Tchitchinadze** (Georgia) said that that topical gender-related issues such as women's rights, women in politics, early marriage, selective abortion, domestic violence, child abuse and homophobia were regularly addressed on talk shows and other television and radio programmes and that the Public Broadcaster made free airtime available for social advertising. One of the Broadcaster's main aims was to encourage people to talk openly about subjects that had previously been addressed in home environments only and, in so doing, to fight stereotypes, challenge traditional attitudes and spotlight women's role in a modern society. A programme entitled "Gender and Society", produced with support from the Women's Information Centre and the Embassy of the United States of America, had been aired in 2013.

47. **Mr. Tsuladze** (Georgia) said that one of the goals of the gender equality action plan was to develop a gender disaggregated statistical information system. That goal should be met in 2015. The plan also stipulated that judges and other court officials should receive specific training in how to address gender issues and domestic violence. That training was being provided through the High School Of Justice, with support from the United Nations Development Programme (UNDP), USAID and the United Nations Entity for Gender

Equality and the Empowerment of Women (UN-Women). The course content had been determined by experts from UNDP and UN-Women, with assistance from the two Georgian judges selected to deliver the training. Fifteen judges had already completed the course and feedback had been very positive.

48. **Ms. Zhvania** (Georgia) said that the Central Election Commission of Georgia had a comprehensive gender-related programme and was already training its members in women's leadership, gender equality and the content of the Convention. The Commission also provided grants, allocated from the central State budget, to local NGOs engaged in public awareness-raising activities.

49. **Ms. Magradze** (Georgia) said that the Government was aware that the regulation of gender reassignment surgery could be improved. However, because the issue of sterilization was a sensitive one which raised human rights and non-discrimination questions as well as medical considerations, the Government needed time to analyse public awareness, opinion and reaction before taking any decisions about amendments.

Articles 4 to 6

50. **Ms. Neubauer** said that, although its gender equality and non-discrimination legislation provided a basis for the application of temporary special measures, the State party appeared to have considered that possibility only as means to increase women's representation on electoral lists. She urged the State party to provide the accurate information on its position regarding the need for temporary special measures requested in paragraph 6 of the list of issues (CEDAW/C/GEO/Q/4-5). She would particularly like to know about any efforts to enhance understanding of the meaning and scope of temporary special measures among members of parliament and other relevant actors and whether the use of such measures might be envisaged as an appropriate and effective means to address the situation of women facing multiple forms of discrimination, including migrant women, victims of violence and women in prostitution.

51. **Ms. Al-Jehani** sought information about government measures to eliminate gender stereotyping and the media sexualization of women and to address their impact on the realization of women's rights and the development of a gender-sensitive information policy. She also asked about efforts to assess the impact of the law on broadcasting and the review of the education curricula, and any government support and funding provided for local NGOs working to raise awareness of harmful practices and gender stereotyping.

52. She requested information on the legislative review to harmonize national laws with international treaties; progress towards ratification of the Istanbul Convention; the human and financial resources allocated to implementation of the 2013–2015 national action plan for the elimination of domestic violence and the mechanism responsible for its oversight; and action taken to prevent and investigate the growing number of femicides in Georgia.

53. With regard to the law on the elimination of domestic violence, she would like to know: whether marital rape was expressly criminalized in its provisions; what mechanism or body ensured the interagency coordination necessary to implement the law; whether the decline in cases of domestic violence registered since criminalization reflected a lack of confidence in the law enforcement authorities; and whether reports of police officers refusing to issue restraining orders in cases of family conflict were authentic. Information about rehabilitation measures for the perpetrators of domestic violence, the role of social workers in prevention and response and the availability and distribution of shelters for victims would be also appreciated. Reports that domestic violence was widely tolerated in Georgia and that the Ministry of Internal Affairs did not acknowledge the gender dimension of such acts in investigative and case management activities were a cause of great concern.

54. Lastly, she asked: whether sexual harassment in the workplace and public spheres was expressly criminalized by law and, if so, what sanctions were imposed; what was being done to stop the virginity testing services provided by the State's forensic analysis bureau and raise awareness about the negative impact on women's psychological and mental health; and whether corporal punishment was prohibited. She invited the delegation to provide statistics about the prevalence of child abuse.

55. **The Chairperson**, speaking in her capacity as an expert, said that the State party had made commendable efforts to combat human trafficking, but that the gaps in legislation and its application remained a source of concern. She invited the delegation to explain the reasons behind the decline in the number of suspected trafficking offences investigated and prosecuted in recent years, highlighting the need to step up law enforcement efforts through increased resource allocation and coordinated civil society engagement. She asked what was being done to improve the relatively low rate of victim identification, especially for foreign women engaged in commercial sex activities, and ensure more effective protection, investigation and prosecution, and in how many recent prosecutions and convictions the victims had been women. She perceived a need for more proactive NGO partnerships to improve the provision of assistance and reintegration services; for more effective victim and witness protection measures to ensure that victims were not charged with associated offences; and for more effective labour inspection and monitoring services to identify cases of forced labour and forced prostitution perpetrated by apparently legal employment agencies. Though illegal, prostitution was widespread in Georgia and the relevant laws did not appear to be used effectively. Reports indicated that victims of sex trafficking were reclassified as victims of forced prostitution, allowing the perpetrators to escape with far more lenient sentences. Improvements were therefore clearly needed. Lastly, she asked for information about the rehabilitation and reintegration support available for women who wished to abandon prostitution.

56. **Ms. Magradze** (Georgia) said that the use of quotas faced opposition from both supporters of the prevailing patriarchy and sponsors of women's empowerment. Even without quotas, women had gained 11 per cent of seats in parliament. The introduction of financial incentives for political parties who met the 30 per cent target for women's inclusion on electoral lists might increase the number of women in parliament but would have no impact on some parties. She hoped that if the incentives did not have the desired effect opponents could be persuaded to support obligatory quotas.

57. **Ms. Peradze** (Georgia) said that, in response to the rising number of femicides, the Ministry of Internal Affairs had established a working group to formulate a short-term strategy to address the problem through awareness-raising, regular meetings with NGOs and the Office of the Public Defender, special training for officers and in-depth analysis of individual murder cases. The public relations section was organizing a public awareness-raising campaign in which representatives of the Ministry would appear on television talk shows and radio programmes to discuss domestic violence and around 2,000 police officers had received training in 2013. The legislation on restraining orders had been amended to give more officers issuing authority and relax other issuance constraints. Analysis of the individual cases of femicide had revealed that the police had been called in only one of the incidents.

58. **Ms. Kvirikashvili** (Georgia) said that the amendment to the Criminal Code enacted in 2012 had entailed the addition of two new articles: the first provided a definition of domestic violence; the second extended the concept to include psychological as well as physical violence. In January 2013, the Office of the Prosecutor General had issued a recommendation on how to interpret the new articles with a view to ensuring consistent practice and effective implementation. The recommendation expressly indicated that in cases involving domestic offences prosecutors should consider the victim's position and

rule in the best interests of the family and children. All prosecutors had participated in a first wave of training conducted in 2012 and, with support from UN-Women, a second wave would run in the near future. The Office of the Prosecutor General would be able to provide the Committee with gender disaggregated data on domestic violence, including the number of minors involved and the number of convictions.

59. **Ms. Kobakhidze** (Georgia) said that the Government had signed the Istanbul Convention and would ratify it in autumn 2014. It had already begun making the necessary legislative amendments.

60. **Ms. Magradze** (Georgia) said that almost all the amendments needed to align national legislation with the Istanbul Convention, including provisions to guarantee the availability of free legal aid, emergency medical and psychological services, and of financial compensation, had already been submitted to parliament. Incorporating the principle which dictated that offenders should be removed from the victim's home on the basis of a restraining order had proved problematic in cases where the home was the property of the perpetrator, but a solution had eventually been found. A number of other legislative texts were due to be amended, including the Civil Code, to which a prohibition on the use of violence to discipline children would be added, as well as the law dealing with forced and early marriages.

61. **Ms. Meskhi** (Georgia) said that the Government provided medical, psychological and legal assistance for victims of domestic violence as well as accommodation, rehabilitation and reintegration services. There were three State-run shelters and a fourth, located in a rural area, would open in the near future. Similar services were available for victims of human trafficking, who might also receive financial compensation. Victim status was determined on the basis of an identification questionnaire, and those who met the conditions were entitled to all services without charge.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1228

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
17 July 2014

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Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record (partial)* of the 1228th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 8 July 2014, at 3 p.m.

Chairperson: Ms. Jahan (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

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* No summary record was prepared for the rest of the meeting.

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Please recycle

In the absence of the Chairperson, Ms. Jahan (Vice-Chairperson), took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic reports of Georgia (continued)
(CEDAW/C/GEO/4-5; CEDAW/C/GEO/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Georgia took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. Gugeshashvili** (Georgia) said that internally displaced women received special protection. They had the right to subsidized housing and social security support and could also apply for income-generating grants to establish their own small businesses.

3. **Ms. Jashi** (Georgia) said that a series of special temporary measures had been implemented to establish gender equality in Georgia. Women benefited from favourable pension arrangements, targeted social security assistance and, in the case of female-headed households, income tax exemptions.

4. **Mr. Amanatidze** (Georgia) said that the Ministry of Defence had introduced a gender equality strategy in 2014 which aimed to encourage more women to join the armed forces and facilitate their access to senior decision-making positions.

5. **Ms. Peradze** (Georgia) said that the Ministry of Internal Affairs had developed an action plan to increase awareness of gender equality issues and encourage more women to participate in public and political life. Steps had also been taken to recruit more female prison officers in national detention centres.

6. **Ms. Kvirikashvili** (Georgia) said that the Criminal Code prohibited all types of sexual violence, including violence committed by a spouse or family member. Acts of rape or sexual violence committed by persons acting in an official capacity were considered an aggravating circumstance and were subject to harsher punishment.

7. **Ms. Jashi** (Georgia) acknowledged that there had been a lack of workplace inspections and said that the Government had launched a review of the Labour Code in order to strengthen the labour inspectorate's capacities. Efforts had also been made to improve the provisions of national migration legislation so that victims of trafficking could benefit from greater protection.

8. **Ms. Peradze** (Georgia) said that the Government had taken proactive steps to identify victims of trafficking and had established an anti-human trafficking department in January 2014. It had also signed a memorandum of understanding with the International Organization for Migration (IOM) in February 2014 in an attempt to increase the capacity of law enforcement agencies to combat human trafficking. The memorandum provided for the establishment of an anti-human trafficking task force in the Ajaria Autonomous Republic which would identify, investigate and prosecute cases of human trafficking.

9. **Mr. Lordkipanidze** (Georgia) said that the Government had strengthened national legislation in 2012 so as to provide enhanced protection for child trafficking victims and had introduced an anti-human trafficking action plan in March 2014. A dedicated State fund had been established which provided support and rehabilitation measures to victims of trafficking and steps had been taken under the auspices of the Inter-agency Council for the Prevention of Domestic Violence to strengthen the provisions of the Criminal Code pertaining to acts of exploitation and non-physical coercion.

Articles 7 to 9

10. **Ms. Zou** Xiaoqiao asked whether the State party intended to adopt and implement any specific results-oriented measures, including temporary special measures, such as gender quotas, in order to increase women's limited participation in political and public life. What was being done to increase their representation on elected self-governance bodies and participation in the peace process and the security sector, which was one of the four pillars of the 2012–2015 national action plan for the implementation of the Security Council resolutions on women, peace and security? In the light of the women's poor performance in recent parliamentary elections, she also wished to know whether the Government had devised a concrete plan of action to increase the number of women candidates in future.

Articles 10 to 14

11. **Ms. Hayashi** asked whether measures had been taken to guarantee the right to education for girls without Georgian nationality and identify and address barriers which deprived girls with disabilities and from disadvantaged and ethnic minority backgrounds of their right to education at the elementary, primary and secondary school levels. She also wished to know whether efforts had been made to tackle early marriage and mitigate its negative effect on school dropout rates for girls. Had measures been taken to include age-appropriate sexual and reproductive health education in the national curricula?

12. Lastly, she requested further information on measures taken to implement the Committee's previous recommendations (CEDAW/C/GEO/CO/3) to further encourage diversification of the educational choices of boys and girls and hold a public dialogue on the educational choices made by girls and women and their subsequent opportunities and chances in the labour market. Had steps been taken to improve the gender balance among teachers at all levels of education and promote women's overall standing in academia?

13. **Mr. Bruun** asked whether steps had been taken to carry out in full the principle of equal pay for work of equal value contained in the Law on Gender Equality of 2010. He requested further information on specific legislation prohibiting sexual harassment in the workplace, on measures taken to encourage and oblige employers to ensure a working environment free from sexual harassment as well as on the number of sexual harassment cases brought before the courts. He also wished to know whether measures had been introduced to prevent discrimination against pregnant women and new mothers. Had the State party considered ratification of the International Labour Organization (ILO) Maternity Protection Convention, 2000 (No. 183)? Lastly, he asked whether, as part of its efforts to reintroduce labour inspections, the Government intended to expand the labour inspectorate's capacities to encompass gender equality issues.

14. **Ms. Nwankwo**, while commending the State party for extending the State health insurance plan to underprivileged persons, said that she was concerned at continued funding shortfalls, reliance on private donors and the fact that contraceptives were not considered essential medicines. Accordingly, she asked whether the Government intended to increase appropriations for family planning services, in particular to make contraceptives more available, affordable and accessible. Given the alarming rates of sex-selective abortions among certain ethnic minorities and the fact that abortion in general still constituted one of the main forms of birth control, she wished to know whether the Government might include family planning services in the basic benefit package and improve sexual and reproductive health education for the population as a whole and youth in particular.

15. Pointing out that the maternal mortality rate was not falling fast enough to meet the relevant Millennium Development Goal by 2015 and that the findings of independent studies differed widely from official figures, she asked what steps the Government was

taking to enhance data collection and further reduce maternal mortality. She enquired about any plans to adequately measure the number of female drug users, including detainees and pregnant women, in order to better target policies and treatment. She wished to know whether legislation on HIV/AIDS tackled the particular vulnerability of sex workers and migrant women.

16. **Ms. Kobakhidze** (Georgia) said that the Government was aware that 11 per cent representation of women in parliament was insufficient, but that progress was being made and discussions were ongoing with political parties and other actors on how to increase the number of women in all three branches of government.

17. **Ms. Zhvania** (Georgia), providing a series of statistics on female electoral candidates, said that there had been an increase in the recent local elections compared to the previous ones in 2010. In addition to the incentives contained in the Election Code and Law on Political Unions, a training course had been designed for women who wished to run for office. Among those who had taken the course, many had gone on to run and a number had been elected. Furthermore, gender-disaggregated data had been collected for the first time during the 2014 elections, which had revealed that half of eligible female voters had turned out.

18. **Ms. Gabitashvili** (Georgia) said that the Law on General Education stipulated that stateless and refugee children were entitled to an education, provided that they had a residence permit. Textbooks were available in Azeri and Armenian. The Government did not collect data on the reasons why students dropped out of school, so it was impossible to know to what extent early marriage was a factor. Nevertheless, the Ministry of Education and Science was addressing the issue and children who abandoned school could resume their studies. Regarding students with disabilities, she said that integrated classrooms had been introduced in public schools in 2013 and that inclusiveness was mandatory in vocational establishments.

19. **Mr. Tangiashvili** (Georgia) said that the Law on General Education guaranteed the right to mother-tongue instruction. However, the policy was to encourage command of Georgian among minorities as a means of furthering integration and educational attainment. Programmes had been rolled out to train, recruit and deploy Georgian-as-a-second-language teachers and Georgian language centres had been set up across the country. Since the 2010/2011 academic year, 5 per cent of places in higher education establishments had to be allocated to minority students, including young women.

20. **Mr. Dolidze** (Georgia) said that explanatory video clips on the Association Agreement between Georgia and the European Union had been translated into minority languages and that keeping minorities informed in general was a focus of the Government's current communication strategy.

21. **Ms. Jashi** (Georgia) said that the Government, with the support of the United States Department of Labour, was developing a policy to address employment inequalities. Although Georgia was a party to ILO Equal Remuneration Convention, 1951 (No. 100), a gender pay gap remained, primarily due to gender segregation in the various sectors. No measures had yet been taken to correct the imbalance, but the Government was seeking advice from international partners.

22. The Government had adopted comprehensive and integrated regulations on abortion, including protocols for surgical and medical terminations of pregnancy and counselling for both pregnant women and couples; they should enter into force by September 2014. A study was under way to measure the extent and causes of sex-selective abortions, the report of which would be available in October 2014 and would be the basis of an awareness-raising campaign. The recent introduction of universal health care in 2013 had come at a

great cost, obliging the Government to be very selective regarding budget allocations. Coverage of contraceptives was nonetheless being considered.

23. The Government was proud of its achievements in terms of maternal mortality reduction, despite the fact that it would not fulfil its Millennium Development Goal. Efforts were being refocused on expanding perinatal care and enhancing sexual and reproductive health education. The Government was taking steps to improve data collection, such as the introduction of a mandatory, standard death notification system. The delegation took note of the Committee's concern regarding women's access to methadone substitution therapy.

24. **Mr. Lordkipanidze** (Georgia) said that any behaviour that contributed to an intimidating, hostile or humiliating work environment was banned under the Law on Gender Equality. The Labour Code contained a standard non-discrimination clause by which pregnancy could not be grounds for dismissal.

25. **Ms. Zou** Xiaoqiao asked whether the Government intended to make voluntary quotas of women in politics mandatory.

26. **Ms. Kobakhidze** (Georgia) replied that discussions regarding quotas were ongoing and that, in the meantime, financial support had been increased for political parties that met the voluntary quota.

27. **Mr. Bruun** noted that the State party report contained little information concerning article 13. While encouraging information had been provided on women's access to financial resources and their participation in sport, it would be helpful to have specific indicators in future.

28. **Ms. Al-Jehani** said that special attention should be paid to gender mainstreaming in rural development programmes, since half of all women lived in rural areas. She enquired as to the results of the poverty reduction programme, which was said to specifically target rural women. Was there an overall strategy in place to address the education, health and employment needs of those women? Could the State party provide information on measures to promote their participation in decision-making and public life, especially at the local level? Since traditional norms sometimes took precedence over the law in rural areas, rural women rarely inherited immovable property. What action was being taken to protect their property rights and support their economic empowerment? Was there a programme in place to promote women's participation in agricultural cooperatives? She also requested information on measures to establish affordable and accessible kindergartens in rural areas, which was a major concern for rural women. A targeted strategy was required to meet the needs of ethnic minorities and she asked whether there was a special department mandated to ensure the rights of such populations. She enquired about to measures to provide services for women in their native languages and Government efforts to reinforce the rule of common law over customary law in ethnic communities. There was a lack of information in the report relating to women with disabilities and their access to health, education and employment. Referring to general recommendation 27, she expressed concern about the rights of older women and asked whether a relevant policy and legislation were in place. She noted with concern that the supply of social housing for older persons in the country did not meet the demand.

29. **Mr. Kereselidze** (Georgia) said that agricultural and rural development was a national priority. Government policy was non-discriminatory and ensured women equal pay and equal access to employment, land and property, natural resources, essential services and financial support. It also ensured full and equal participation at all levels of decision-making in the public and private spheres. A gender subgroup had been established under the European Neighbourhood Programme for Agricultural and Rural Development, which provided a platform for the exchange of experience in promoting the role of women in agriculture. Agricultural cooperative development agencies had also been established and

corresponding legislation adopted. Currently, 91 cooperatives had been granted official status. Best practices would be promoted and practical training carried out, with a focus on involving women as managers and decision-makers. Regional information and consultation centres had been established around the country and the scope of agricultural extension services would be gradually increased so that a range of actors could deliver sustainable technical support to farmers. Under the preferential agro-credit programme, the Government would provide training and advice to farmers and would work with financial institutions to help credit officers to better understand commercial agribusiness. Specific attention would be paid to supporting women entrepreneurs.

30. **Ms. Chantadze** (Georgia) said that the Constitution and legislation of Georgia ensured equal rights to participate in cultural life. Accordingly, State subsidies were granted to various cultural establishments, including those of national minorities. Within the framework of regional development, several programmes were in place to rehabilitate regional cultural centres.

31. **Mr. Tevzadze** (Georgia) said that the Government observed its international obligations to eliminate gender discrimination in sport. He referred in particular to various recommendations and resolutions of the Council of Europe, programmes implemented by the European Union and the International Charter of Physical Education and Sport of the United Nations Educational, Scientific and Cultural Organization. As recommended by the International Olympic Committee, Georgia had promoted the role of women in national sports committees and federations as leaders and decision-makers. Unfortunately, the overall participation of women and girls in sport still stood at only 11 per cent.

32. **Ms. Kutateladze** (Georgia) said that the Government had issued a recommendation that cities should appoint advisors on gender equality to support the implementation of the Law on Gender Equality and its action plan. Accordingly, women's resource centres had been opened and women had increased access to decision-making at the community and municipal levels. An increased number of women were participating in community meetings, at which they had expressed concerns relating to water issues and the need for local kindergartens and medical centres. Rural women constituted 19 per cent of women who used the resource centres, which offered advice on financial and legal issues and assistance in cases of domestic violence.

33. **Ms. Kobakhidze** (Georgia) said that further information would be submitted in written form after the meeting.

Articles 15 and 16

34. **Ms. Halperin-Kaddari** reiterated the Committee's concern about child marriages and asked whether the Government planned to undertake comprehensive research into that phenomenon. While marriages under the age of 18 were void, certain exceptions to the law such as parental consent could lead to forced early marriage. Did the Government plan to amend the Civil Code to rectify that situation and would it also consider rescinding the provision under the Code that allowed for a 16-year-old to be considered as an adult upon marrying? Furthermore, while engaging in sexual intercourse with persons under the age of 16 was criminalized, underage marriages often served as a means of impunity for offenders when they were followed by unauthorized marriages. Were there any plans to clarify the Criminal Code in that regard and to prosecute offenders who married underage girls? Noting that neither unauthorized child marriages nor church marriages were registered, she asked what the Government was doing to encourage the registration of all marriages. Was it aware of the vulnerability of women whose marriages were not legally recognized or how their economic rights were safeguarded upon divorce? She commended the country's comprehensive legislation on the property relations of spouses, which provided for a community of property. Would the State party consider recognizing intangible property as

part of that community? She referred to general recommendation 29 and said that it was vital to achieve equality and justice in divorce cases.

35. **Ms. Kobakhidze** (Georgia) said that the number of housing facilities for older persons was insufficient and said that the network of State housing should be widened and properly funded. The State party would provide detailed information in writing on early and forced marriages, marriage registration and property rights.

36. She thanked the Committee, which had an important role to play in implementing the Convention around the world. The State party looked forward to its recommendations and would provide further written responses to all its questions. The rights of persons living in occupied territories and conflict-affected communities were a particular concern. She thanked the representatives of the non-governmental organizations, especially those from Georgia who had made special efforts to prepare reports. The State party would duly consider their comments and analysis.

37. **Ms. Jahan** commended the State party on its efforts and encouraged it to take up the Committee's recommendations and ensure that they were implemented for the benefit of all women and girls in Georgia. The Committee took note of the State Party's commitment to ensure gender equality and the elimination of discrimination and looked forward to future cooperation.

The discussion covered in the summary record ended at 5 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record of the 1229th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 9 July 2014, at 10 a.m.

Chairperson: Ms. Neubauer (*Vice-Chairperson*)

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Lithuania

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

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In the absence of Ms. Ameline, Ms. Neubauer (Vice-Chairperson) took the chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Lithuania (CEDAW/C/LTU/5; CEDAW/C/LTU/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Lithuania took places at the Committee table.*

2. **Mr. Klimavičius** (Lithuania), introducing the fifth periodic report (CEDAW/C/LTU/5), said that women accounted for 76 per cent of civil servants and occupied 35 per cent of all managerial positions in Lithuania. The President of Lithuania and the head of parliament were also women. In 2013, Lithuania had signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and was considering ratifying it in the future. In 2012 it had ratified the Council of Europe Convention on Action against Trafficking in Human Beings. During its presidency of the Council of the European Union, Lithuania had promoted substantial gender equality focusing on the effectiveness of institutional mechanisms for the advancement of women and on the prevention of domestic violence. In 2011, the Government had adopted a national action plan to implement United Nations Security Council resolution 1325 (2000), which would be reviewed in 2014.

3. The Law on Equal Opportunities for Women and Men had been amended in 2012 to oblige public institutions to guarantee equal treatment for women and men when providing administrative and public services; to define the acts that constituted a violation of the right to equal treatment; and to specify the terms under which the Office of the Ombudsman for Equal Opportunities considered complaints. The Law had been further amended in 2013 to oblige public institutions and municipalities to include measures and actions to promote gender equality in strategic plans. Training on gender equality had been provided to municipalities to assist them with implementing that amendment.

4. A new law on State-guaranteed legal aid had come into force on 1 January 2014. The law increased access to secondary State-guaranteed legal aid and provided for conciliatory mediation services.

5. The promotion of both de jure and de facto gender equality remained a priority in all policy sectors. Under the 2010–2014 national programme on equal opportunities for men and women, a number of measures aimed at eliminating gender-based inequality had been taken. An independent assessment of the implementation of that programme was to begin in 2014. The results of the assessment and the Committee's concluding observations would be helpful for the 2015–2020 national programme on equal opportunities for women and men and other strategies aimed at eliminating gender-based discrimination, combating gender-based violence and mainstreaming the gender perspective.

6. The Commission on Equal Opportunities for Women and Men, which was composed of representatives from all government ministries and women's organizations, coordinated and monitored the implementation of the 2010–2014 national programme on equal opportunities for women and men. The division responsible for gender equality, which came under the authority of the Ministry of Social Security and Labour, served as the secretariat of the Commission. The division's functions included drafting and reviewing relevant legislation, devising and implementing gender equality programmes and conducting research in that area. The 2010–2014 national programme on equal opportunities for women and men had yielded positive results: the gender pay gap had

decreased and the number of female entrepreneurs and women participating in political decision-making had increased.

7. The Government was committed to combating violence against women and, in particular, domestic violence. The Criminal Code and the Code of Criminal Procedure had been amended to ensure that victims of domestic violence were effectively protected against further acts of violence during pretrial investigations and court hearings. A pretrial investigation was conducted into all cases involving domestic violence. The Criminal Code classified sexual abuse as a criminal offence, irrespective of the relationship between the victim and the offender. The fact of marriage did not absolve the offender of criminal responsibility.

8. Under the Law on Protection against Domestic Violence, children who witnessed domestic violence or who lived in a violent environment were also considered to be victims. Police officers were obliged to take immediate measures to protect victims of domestic violence and to conduct an investigation even if an official complaint had not been filed. In 2014, the Law on Protection against Domestic Violence had been amended to enhance the protection afforded to victims and to oblige the police to inform specialized care centres about all victims. The nationwide network of specialized care centres had provided psychological, medical and legal assistance to more than 5,000 victims of domestic violence in 2013. The 2014–2020 national programme for preventing domestic violence and providing assistance to victims had been adopted in the first half of 2014. The programme aimed to reduce the level of domestic violence in the country by raising public awareness of different forms of violence and their consequences, and the need to put an end to them; and to foster cooperation between the State and local institutions and NGOs.

9. A recent study conducted in the light of the Committee's recommendations had shown that women from disadvantaged and vulnerable groups, including elderly women, women with disabilities, rural women and migrant women, often had difficulty in accessing health-care services, social services and employment. The recommendations formulated on the basis of that study would be incorporated into programmes aimed at promoting social cohesion and non-discrimination.

Articles 1 to 4

10. **Ms. Al-Jehani** said that the equality between women and men under the law was not always reflected in practice. Noting that the Convention was seldom invoked in court proceedings and rulings, she asked whether lawyers, prosecutors and judicial officers had received training thereon. She also enquired about the measures the State party had taken to disseminate the Convention among the general public. She asked whether Lithuanian legislation prohibited discrimination on multiple grounds and whether national courts took multiple grounds for discrimination into account when handing down rulings.

11. Noting that the position of the Ombudsman for Equal Opportunities had been vacant for around six months, she asked when it would be filled. Furthermore, the Committee had received reports that, although the Office of the Ombudsman for Equal Opportunities had the authority to impose administrative sanctions, it rarely did so. She asked whether those reports were accurate; how many complaints of gender-based discrimination and discrimination on multiple grounds it had received; what procedure the Office followed to resolve those complaints; and whether it had been allocated the financial and human resources necessary for it to function effectively.

12. She also wished to know whether the Government planned to open branches of the Office of the Ombudsman for Equal Opportunities and to accord it the status of an independent national human rights institution. Lastly, she requested more information on the new law on State-guaranteed legal aid.

13. **Ms. Zou** Xiaoqiao said that the Committee had received reports that the division responsible for gender equality had only three staff members, two of whom were new recruits on temporary contracts. In addition, the division appeared not to have its own budget. She requested clarification on the role of the division in coordinating activities relating to the promotion of gender equality. She also wished to know whether the State party planned to take measures to enhance the effectiveness of the national machinery for promoting gender equality.

14. Noting that the Commission on Equal Opportunities for Women and Men was composed of representatives of all government ministries, she asked whether those focal points worked for the Commission on a full-time basis or in addition to their other duties. She wished to know whether gender focal points had been appointed at the local level. Cooperation between gender focal points at the national and local levels was essential for the effective implementation of the State party's policy on gender equality. She asked what measures the Government was taking to strengthen that cooperation and to encourage NGOs to participate in implementing the 2010–2014 national programme on equal opportunities for women and men.

15. **Ms. Bareiro-Bobadilla** said that the State party had not acted upon the recommendations made by the Committee in connection with the previous periodic report (CEDAW/C/LTU/CO/4) to the effect that it should systematically adopt laws on temporary special measures and effectively implement them in order to accelerate the realization of women's de facto equality with men; and that it should consider amending the Law on Equal Opportunities for Women and Men to simplify the procedure of applying temporary special measures. While the Law on Equal Opportunities for Women and Men promoted de jure gender equality by prohibiting gender-based discrimination, it appeared not to provide for temporary special measures aimed at accelerating de facto gender equality. She enquired as to the nature of the various temporary special measures recommended by the Office of the Ombudsman for Equal Opportunities.

16. **Ms. Michailovskytė** (Lithuania) said that, while the Convention was not usually invoked by Lithuanian courts, it had been invoked in a recent case involving discrimination on the grounds of gender and disability. The courts tended to refer to other international instruments such as the European Convention on Human Rights and to the case law of the European Court of Human Rights, which also covered gender-based discrimination.

17. **Ms. Juršėnienė** (Lithuania) said that the Convention was disseminated through the 2010–2014 national programme on equal opportunities for women and men. Judicial officers received training on the Convention on a regular basis. The Law on Equal Opportunities for Women and Men and the Law on Equal Treatment did not contain a definition of multiple discrimination. The Office of the Ombudsman for Equal Opportunities took account of all grounds for discrimination mentioned in a complaint when taking a decision; however, it received very few complaints concerning multiple forms of discrimination.

18. **Ms. Michailovskytė** (Lithuania) said that the courts also took all grounds for discrimination into account when handing down decisions.

19. **Ms. Juršėnienė** (Lithuania) said that the Office of the Ombudsman for Equal Opportunities rarely received complaints involving multiple discrimination. Figures for 2013 revealed that 14 per cent of complaints of discrimination had been on grounds of gender; 53 per cent on grounds of social status; 12 per cent on grounds of disability; and a small percentage on other grounds; none of the complaints had involved sexual harassment.

20. The Office took all factors into account before making the best decision to protect a person's rights and prevent further discrimination. Experience had shown that administrative sanctions were not an effective deterrent. The practice was for the Office to

contact the offender and recommend discontinuance of the discriminatory action. However, repealing discriminatory legislation was the most effective measure, since it prevented further discrimination against other persons in the future.

21. There were no plans to open regional branches of the Office. Since the start of the economic crisis, the focus had been on ensuring people could easily access the services of the Office in Vilnius, even those living in rural areas. The public were encouraged to contact the Office using various means, including electronic ones.

22. The Office had a permanent staff of 12. Its annual budget allocation had been cut from the equivalent of 600,000 euros in 2008 to less than 400,000 in 2013, but had been increased slightly for 2014. The long-serving Ombudsman for Equal Opportunities no longer occupied the post and the Children's Ombudsman had been put in charge until parliament appointed a new one.

23. **Ms. Michailovskytė** (Lithuania) said that the new law on State-guaranteed legal aid had come into force in January 2014 and ensured free access to justice for women with insufficient resources and for all female victims of criminal offences.

24. **Mr. Paulauskas** (Lithuania) said that a decision had been taken to establish a national human rights institution (NHRI), along similar lines to the Office of the Ombudsman for Equal Opportunities. Draft amendments to legislation had been prepared and discussed with representatives of civil society, the United Nations Office of the High Commissioner for Human Rights and national human rights institutions of other countries, which had concluded that they were in compliance with the Paris Principles. Unfortunately, the decision to establish the NHRI had coincided with the economic recession and a shortage of funds. Thus, in the interim, a human rights division had been created within the Office of the Ombudsman, which was already carrying out the functions of the future NHRI. The draft amendments would be discussed by parliament in the autumn and he would raise the Committee's concerns with key politicians in Vilnius.

25. **Ms. Juršėnienė** (Lithuania) said that the division responsible for gender equality also served as a secretariat for the Commission on Equal Opportunities for Women and Men. Its tasks included: monitoring legislation and draft amendments thereto to ensure gender mainstreaming; coordinating the national programme on equal opportunities for women and men; providing advice on gender mainstreaming to other ministerial departments, other ministries and municipalities; and ensuring compliance with international obligations.

26. **Ms. Daugalienė** (Lithuania) said that although her main responsibility was rural development, she had been assigned to the division responsible for gender equality together with another person whose main responsibility was legal matters. While not all of their time was devoted to the division, they ensured that gender equality was reflected in their areas of work and transposed into related programmes. Non-governmental organizations served as a channel for spreading the message from government to local level.

27. **Ms. Juršėnienė** (Lithuania) said that the Commission on Equal Opportunities for Women and Men was composed of representatives from ministries, the national statistics unit, NGOs and women's trade unions. Other interested parties such as academic researchers were always invited to meetings.

28. From October 2014, municipalities would be obliged to include gender equality in their strategic plans. In the meantime, they were encouraged to participate in implementing the national programme on equal opportunities for women and men. A project had been launched in 2013 to promote gender mainstreaming at the municipal level, increasing the capacity of municipal officials through awareness-raising and training on the main gender equality concepts to be incorporated into their strategic plans. Local focal points in charge

of gender issues had been appointed in the municipalities and a municipality network had been created. Discussions were under way on including representatives from the network in the Commission.

29. As well as having representatives in the Commission, NGOs participated directly in its gender mainstreaming coordination work. They had several opportunities for funding, including competing for grants from ministries for programmes addressing gender equality, human rights, violence or disabilities. Since 2014, the Ministry of Social Security and Labour had been organizing separate competitions for grants to non-governmental organizations. The ministry was also involved in preparations for the proposed establishment of civil society foundations to support non-governmental organizations contributing to the development of civil society.

30. **Mr. Vaidelis** (Lithuania) said that legislation on NGOs and on voluntary work had been adopted in 2013, which would allow NGOs to cover certain volunteer expenses.

31. **Ms. Juršėnienė** (Lithuania) said that the 2010–2014 national programme on equal opportunities for women and men was drawing to a close. The new programme for 2015 to 2020 would give priority to securing equal pay for women and continuing gender mainstreaming in all areas. More information on the programme would be released later in the year.

32. Temporary special measures were guaranteed under the Law on Equal Opportunities for Women and Men, but needed to be specified in relevant laws. Binding quotas were not currently provided for in law, although voluntary quotas were encouraged. The Office of the Ombudsman for Equal Opportunities had published recommendations on the implementation of temporary special measures and provided relevant training on achieving gender balance. The recommendations cautioned against applying too many temporary special measures simultaneously and emphasized that they should not be contradictory or limit the rights of other persons. They did not recommend legally binding quotas in the areas of recruitment, employment and education to avoid breaching the human rights of other groups. A monitoring system should be in place to assess the effectiveness of temporary special measures. Several political parties were currently implementing voluntary temporary special measures.

33. **Ms. Daugalienė** (Lithuania) said that local action groups were following the recommendation that there should be a gender ratio of 40:60 (men or women either way round) on local bodies responsible for decisions on funding local projects. Representatives of other vulnerable groups and youth should also be involved to ensure equal decision-making opportunities.

34. **Ms. Ambrozaitienė** (Lithuania) said that 25 per cent of members of municipal councils in 2011 had been women, compared with 18 per cent in 2000.

35. **Ms. Al-Jehani** asked the delegation to provide written information within 48 hours on court cases in which the Convention was invoked so that the Committee could include it in its concluding observations. She enquired about proposed amendments to the Constitution, inter alia, on the definition of the family. She asked whether mediation would be mandatory under the new law on State-guaranteed legal aid to victims of crime and whether mediation was used in cases of domestic violence and sexual violence.

36. She expressed concern that the low percentage of complaints concerning gender-based discrimination received by the Office of the Ombudsman for Equal Opportunities was an indication that people were unaware of its role and how to access its services. She welcomed the State party's initiative to encourage people living outside of the capital to contact the Office via electronic means, but asked whether that meant it did not intend to open regional branches.

37. **Ms. Zou** Xiaoqiao wondered whether additional staff would be assigned to the division on gender equality. Given the low percentage of complaints received concerning sexual harassment, she asked whether steps had been taken to raise public awareness of the issue and whether appropriate legislation been adopted.

38. **Ms. Bareiro-Bobadilla** said she was concerned that insufficient financial and human resources had been allocated to the Office of the Ombudsman for Equal Opportunities and that it would not be able to handle its workload. She underscored that temporary special measures should not be limited to legally binding quotas and encouraged the State party to implement other measures to eliminate gender-based discrimination and ensure real gender equality in all areas.

39. **Ms. Michailovskytė** (Lithuania) said that a bill to amend article 38 of the Constitution regarding the definition of the family had been submitted to parliament and was under consideration.

40. **Ms. Juršėnienė** (Lithuania) agreed on the importance of strengthening the division on gender equality. It had only been in 2013 that no complaints of sexual harassment had been received, although, even in previous years, only one or two complaints had been received. There were various reasons for the low number of complaints, including a lack of awareness of the problem and the fact that during the economic crisis people were reluctant to file complaints for fear of losing their jobs. She endorsed the comments on temporary special measures, underlining that the recommendations of the Office of the Ombudsman for Equal Opportunities did not exclude the implementation of other temporary special measures and were not limited to imposing binding legally quotas. Facilitating access to the Office of the Ombudsman for Equal Opportunities by electronic media did not preclude the possibility of establishing regional branches.

41. **Ms. Michailovskytė** (Lithuania) said that a proposal was before parliament to amend the law on State-guaranteed legal aid thereby postponing implementation of mandatory mediation until January 2015.

Articles 5 and 6

42. **The Chairperson**, speaking in her capacity as an expert, asked about the time frame for ratifying the Istanbul Convention; whether the 2014–2020 national programme for preventing domestic violence and assistance to victims would supersede the 2006 National Strategy for Combating Violence against Women; and whether the State party would take account of the concerns raised and recommendations made by the Committee in connection with the previous periodic report in the new programme. She asked whether there was a mechanism specifically for monitoring the results of the new national programme; whether any obstacles to its implementation had been identified and addressed; and whether the programme received adequate funding, particularly since funding for the national strategy had significantly decreased in 2009 and 2010.

43. The recent law on domestic violence was not in line with the Committee's emphasis on the structural nature of violence against women and the need to frame it in the wider context of elimination of discrimination against women and the achievement of gender equality. She asked whether measures to eliminate gender stereotypes would be set as priorities in the national programme; whether sexual harassment was subject to criminal or other penalties; whether certain aggravating circumstances, such as repeat offences or the presence of a child, made it permissible to impose stricter sentences; and whether prosecutors sometimes had to initiate proceedings ex officio or whether the victims had to decide to press charges themselves.

44. Despite the requirements under paragraph 48 of the Istanbul Convention, the Committee had received reports that mediation and conciliation was used extensively in

domestic violence cases. She asked for further information on such cases, including whether mediation was a mandatory practice or applied as an alternative to civil law suits and on related penalties.

45. More information would be welcome on protection measures in cases of domestic violence, including: how quickly a situation was assessed as being dangerous; the powers of the police to issue emergency protection orders; whether the protection order remained in force until a judicial restraining order was approved; the time frame for judicial decisions, and how effectively they were enforced. According to the Committee's sources, the State party did not have a mechanism to enforce the two protection measures.

46. She requested clarification of an inconsistency in the State party's replies (CEDAW/C/LTU/CO/4/Add.1): paragraph 41 suggested that 17 specialized assistance centres for victims of domestic violence were State-funded, and yet according to paragraph 54, only 9 such centres were State funded.

47. Lastly, she asked whether services like social housing, forensic medical examinations and health assistance were provided to women victims of other forms of violence, who were unwilling to testify or press charges, and whether it depended on their willingness to be involved in proceedings.

48. **Ms. Jahan** said that Lithuania remained a source, transit and destination country for human trafficking; adolescent girls in boarding schools, orphanages, special care homes and State-run foster homes as well as girls with mental and psychological disabilities were often victims of trafficking. What targeted protection measures had the Government taken to prevent trafficking in those institutions? Had investigations been carried out into allegations of corruption among officials?

49. She asked whether the anti-trafficking action plan focused on the root causes of trafficking, such as economic disparities and a dearth of education and employment opportunities; whether the State party undertook regular public awareness-raising programmes targeting young girls and women; and whether rehabilitation and reintegration programmes existed for trafficked women returning from abroad.

50. She wished to know why Lithuania had been downgraded from a tier 1 to a tier 2 country for trafficking in 2013. Since a similar pattern had been seen in neighbouring countries, she wondered whether it was perhaps a sign of poor intercountry cooperation. Other possible causes were less action by law enforcement officials and fewer investigations, prosecutions and convictions; the fact that relevant training was optional for law enforcement officials, prosecutors and judges; and the lack of gender sensitivity in judicial proceedings. What was being done to restore the country to tier 1 status?

51. Given the importance of constant monitoring, she expressed concern that financial constraints had prevented external evaluation of the 2009–2012 national programme on the prevention and control of human trafficking. Similarly, despite the fact that Lithuania was party to the Trafficking in Persons Protocol and had signed the Istanbul Convention, it lacked gender-sensitive anti-trafficking laws. Had steps been taken to draw up a comprehensive trafficking strategy with measurable goals?

52. Noting that prostitution was an administrative offence for minors when it was proved to be voluntary, she asked whether the State party might consider reviewing the Code of Administrative Offences to remove that condition. Furthermore, since Lithuania was now a European Union member State, she wondered whether it might support the Nordic model for dealing with prostitution, through measures including reducing the demand for prostitution rather than criminalizing women.

53. **Mr. Milevičius** (Lithuania) said that awareness-raising measures to counter gender stereotypes had indeed been included in the 2014–2020 national programme for preventing

domestic violence and assistance to victims. The Government had established a working group to consider the options for ratifying the Istanbul Convention and was expected to issue its conclusions shortly. He confirmed that the 2014–2020 national programme would supersede the 2006 National Strategy for combating violence against women and enshrine the provisions of the latter. Even before the national programme had been approved, Lithuania had consistently been funding NGOs combating violence against women, but now the programme included funding for special assistance centres. Although funds allocated to domestic violence had dwindled during the crisis in 2009 and 2010, they had more than tripled since 2011.

54. Each year, information on the implementation of the Strategy had been included in the report on government activities and an evaluation of its results had shown that it was not sufficient and that a new law on domestic violence was required. The new national programme would include a set of criteria to improve the evaluation process, including surveys to indicate existing and potential levels of violence.

55. Most specialized assistance centres were run by women's NGOs representing women's best interests. The aim of the Law on Protection against Domestic Violence was to provide assistance to all groups, and yet it was bound to help women more than men, since 90 per cent of domestic violence victims were women. He confirmed that there were 17 specialized assistance centres, but that only 9 of them were under direct ministerial supervision, although all of them received State funding.

56. **Ms. Juršėnienė** (Lithuania) said that the national programme on equal opportunities for women and men contained a number of initiatives to combat stereotypes, such as special training modules to promote non-stereotypical images of women in media.

57. **Mr. Vaidelis** (Lithuania) added that in Lithuania there were specialized centres which ran programmes, particularly for primary schools, aimed at preventing the early emergence of stereotypes and violence in schools.

58. **Ms. Juršėnienė** (Lithuania) said that the Office of the Ombudsman for Equal Opportunities had the authority to refer cases of sexual harassment for prosecution.

59. **Ms. Michailovskytė** (Lithuania) confirmed that sexual harassment was criminalized under the Criminal Code and punishable by a fine or arrest. In the case of repeat offences related to either sexual harassment or violence, the courts could impose more severe penalties.

60. **Ms. Juršėnienė** (Lithuania) said that pretrial investigations were mandatory in domestic violence cases. In accordance with the Code of Criminal Procedure, regardless of whether a report had been filed by a victim or a police officer, pretrial investigations were initiated either by the prosecutor or the pretrial investigation judge and the costs were borne by the State.

61. **Mr. Žilinskas** (Lithuania) said that police procedures in cases of domestic violence were clear and effective: on arrival at the scene, police officers informed the victim of the assistance possibilities and reported the incident to a specialized assistance centre; the offender could be ordered temporarily to move out of the place of residence or not to approach or seek contact with the victim. The measures remained effective until the case had been examined, unless a pretrial investigation judge ordered detention or restraining measures within 48 hours. Police officers were responsible for monitoring compliance with the measures.

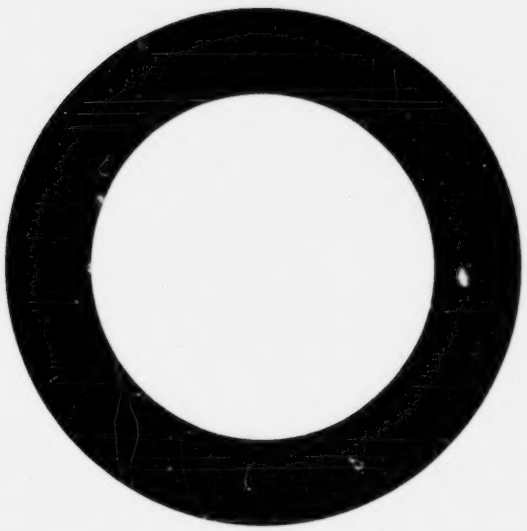
62. **Ms. Michailovskytė** (Lithuania) said that mediation was not mandatory in criminal cases. Nevertheless, a working group appointed to consider the issue had concluded in June 2014 that some legislation, such as the Criminal Code and Code of Criminal Procedure, should be amended and a new law on mandatory mediation must be introduced.

63. **Mr. Milevičius** (Lithuania) said that all victims of domestic violence could apply to specialized assistance centres, regardless of whether they had already been to the police. Under the new bill on reproductive matters, there were plans for victims of sexual violence to be able to seek assistance in those centres too.

64. **Ms. Armonavičienė** (Lithuania) said that guidelines on the treatment of rape victims were provided for health-care specialists, such as gynaecologists and psychologists. There were also centres catering specifically for victims of sexual violence.

65. **Mr. Žilinskas** (Lithuania) said that measures to combat human trafficking formed an integral part of the national programme on crime prevention and control, although there was no dedicated programme. The Government had organized information campaigns through various media and in different locations to raise public awareness of the risks of trafficking and forced labour and to encourage citizens moving abroad to report cases. It was also participating in an international project in the Baltic Sea region aimed at improving partnerships to combat human trafficking and labour exploitation.

The meeting rose at 1 p.m.



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Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record (partial)* of the 1230th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 9 July 2014, at 3 p.m.

Chairperson: Ms. Neubauer (Vice-Chairperson)

Contents

Consideration of reports by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Lithuania (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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In the absence of the Chairperson, Ms. Neubauer (Vice-Chairperson), took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Lithuania (continued) (CEDAW/C/LTU/5)

1. *At the invitation of the Chairperson the delegation of Lithuania took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Mr. Žilinskas** (Lithuania), responding to the remaining questions on prostitution and human trafficking, said that preventive measures had been taken by the police in various parts of the country. Among them were meetings, lectures, discussions at educational institutions, leaflets and posters. The situation of children from at-risk families had been addressed as well. The Ministry of the Interior, in partnership with the Embassy of the United States of America in Vilnius and Microsoft Corporation, had organized an event, the Stop Human Trafficking Tech Competition, to promote innovative ways to prevent human trafficking. Funds had been allocated to implement the best ideas. In 2013, at least 300 people had received training as part of three inter-institutional projects on the prevention of human trafficking, and at least 12 more awareness-raising and educational events were planned.

3. Preventive measures were also taken by municipalities and non-governmental organizations. The Missing Persons' Families Support Centre, for instance, had provided assistance both to victims of human trafficking and to members of groups at risk of being trafficked. Capacity-building for girls and boys had been achieved by organizing events at schools with special-education programmes, and commemoration of the International Missing Children's Day helped to contribute to greater awareness of the problem of missing persons and trafficking in human beings. Those preventive measures, and others, such as an international conference on how to ensure justice in matters regarding prostitution, were closely connected to efforts to reduce demand for prostitution. It was true that, in the *Trafficking in Persons Report* of the United States Department of State, Lithuania had fallen from tier 1, the highest ranking for compliance with the United States Trafficking Victims Protection Act, to tier 2, but the State party had taken the report's recommendations into account and was working on a plan to implement them.

4. Training had been organized for judges, prosecutors and the police. Specialized judges and prosecutors focused solely on cases involving trafficking in human beings. A more policy-focused steering group oversaw implementation of the plans to combat trafficking. Its members were approved by decree of the Prime Minister. Lastly, Lithuania was aware of the European Parliament's vote in favour of a resolution to criminalize the purchase of sex. The issue was being discussed in Lithuania, and the Committee would be kept informed of the results.

Articles 7 to 9

5. **Ms. Pimentel** said that she was very pleased that Lithuania's President was a woman and hoped that she would inspire other Lithuanian women to enter public life. Nonetheless, she expressed concern about the persistence of stereotypes about girls and women, and for that reason she requested additional information on the State party's plans, mentioned in its periodic report, to strengthen traditional family values. What exactly did traditional family values refer to? Could such values be strengthened without reinforcing old stereotypes, which were the reason for women's underrepresentation in public life in

the first place? She also requested information on the measures taken to combat negative views of women in politics and to familiarize members of the parliament, especially its women's group, with the Convention. Lastly, she requested information on that group's achievements.

6. **Ms. Jahan** recalled that nationality was the basic foundation of identity and was pleased to note that the State party's Law on Citizenship was gender-neutral. She expressed concern, however, about statelessness, which had a disproportionate impact on women and children and, although the State party had acceded to the Convention on the Reduction of Statelessness, she understood that the Law on Citizenship, amended in 2010, did not provide for Lithuanian citizenship for children born in Lithuania to stateless parents who were not permanent residents in the country. As worded, the Law could perpetuate generational statelessness. She therefore wished to know what legislative measures the State party was considering taking to prevent statelessness. She also wished to know whether stateless women had the right to work and enjoyed access to social services, including health care, how birth registration was regulated, what measures had been taken to ensure that limited knowledge or other obstacles did not prevent members of the stateless population from obtaining birth certificates for their children and how the nationality-related issues of Roma women and children living in Lithuania had been addressed. Lastly, she requested information on the measures that had been taken to prevent sham marriages from being contracted for the purpose of acquiring Lithuanian nationality, a practice that had been identified as one strategy to force women into prostitution.

7. **Mr. Žilinskas** (Lithuania) said that the traditional values which the authorities were making efforts to reinforce drew on such family-friendly concepts as positive parenting, reconciling family and work obligations and improving the means of resolving family disputes.

8. **Mr. Vaidelis** (Lithuania) acknowledged that women accounted for more than 85 per cent of all schoolteachers. Efforts were nonetheless being made to involve more men in the educational system. Regarding textbooks and stereotypes, he said that a review had been done which had identified only a few instances of gender bias. A policy was currently being formulated to ensure that potential problems with textbooks were identified promptly. Printed textbooks were giving ground to digital material and the country would have to develop a method to ensure that that material was suitable for use in the school system.

9. **Ms. Juršėnienė** (Lithuania) said that the activities of the group of women parliamentarians had been ongoing for several years. The group assessed draft legislation and intervened when a bill was insufficiently gender-sensitive. It also monitored government activities pertaining to gender equality. Reporting under the Convention was the obligation of the Government, not of the group of women parliamentarians; however, the group could make suggestions regarding the report. The group also followed the concluding observations adopted by the Committee very closely.

10. **Mr. Žilinskas** (Lithuania) said that in accordance with the Law on Citizenship, recently amended to bring it into line with the Convention relating to the Status of Stateless Persons, a stateless person now had to live only five years in Lithuania to be eligible for Lithuanian citizenship. Regarding sham marriages, he acknowledged that the media were debating the issue widely but said that such marriages did not take place in Lithuania.

11. **Ms. Ambrozaitienė** (Lithuania) said that according to census data stateless persons accounted for less than 1 per cent of the Lithuanian population.

12. **Mr. Žilinskas** (Lithuania) added that since the introduction of the amendment to the Law on Citizenship the number of stateless persons had fallen from slightly more than 4,000 to approximately 3,800.

Articles 10 to 14

13. **Ms. Hayashi** noted that the State party had made efforts to ensure equal opportunities for women and men in higher education. One such effort was a project, funded by the European Union, in which scholarships were awarded to scientists returning to work after maternity or paternity leaves. As the project had been carried out in 2011–2012, she wished to know whether it had made any visible difference and whether there were plans to continue it. She also wished to know whether the programme covered only natural sciences or whether it covered social sciences and the humanities as well.

14. Turning to children who were not attending school, she wondered why a programme to combat truancy, which had been approved in 2008, was still being tested. Why had the technical errors that prevented full implementation of the programme not been resolved more than five years later? She also noted that the scarcity of data on the native languages or ethnicities of those studying in the educational system made it hard to determine whether minorities, in particular Roma students, were struggling. She thus wished to know what was being done to gather data disaggregated by sex and ethnicity. She also requested information on the efforts made to include Roma girls in regular schools rather than special-needs schools. In that respect, more information on the differences between regular and special-needs schools would be welcome.

15. She noted that the State party had encountered obstacles to implementing the Preparation for Family Life and Sexual Education Programme and requested information on those obstacles and the measures to be taken to overcome them. Lastly, there were no schools providing adult education in rural areas, and she wondered how the Government ensured girls' right to education in rural areas and how adult women could be guaranteed access to lifelong learning.

16. **Ms. Gbedemah**, commending the progress made by the State party in a number of areas regarding employment, said that the employment rate of women, for example, had exceeded that of men. Remarkably, more than half of all car and motorcycle mechanics in Lithuania were women. Nonetheless, gender segregation in the labour market still prevailed, with women continuing to dominate health-care, education and other industries. Since no precise data had been offered, she wished to know what particular positions women held in female-dominated occupations. Alternative sources had indicated that the fields that women were breaking into in ever-greater numbers were the very fields in which the gender wage gap was widening. The wage gap was also wider in the private sector than in the public sector. Moreover, young women seemed to be the most heavily affected by gender wage gaps. They also experienced hiring discrimination, as they were viewed as poor returns on investment, since it was assumed that they would simply go off and have children. Re-entering the job market would be hard for them. In view of those prejudices, she wished to know what specific steps the Government had taken to ensure compliance with the Committee's previous concluding observations (CEDAW/C/LTU/CO/4) regarding the elimination of vertical and horizontal occupational segregation and to close the wage gap. She also requested information on the steps taken to raise women's employment rates and the specific gender issues dealt with over the past two years by the country's Tripartite Council, which brought together the Government, trade unions and employers. How had the Council's work translated into policy?

17. With respect to women's training programmes, she wished to know whether an impact assessment had been completed. If so, what effect had the training programmes had on the number of business start-ups, productivity and turnover? She also wished to know what kinds of businesses had the women who had received training started and what kind of credit was available to them.

18. Men took little of the parental leave to which they were entitled; women took it instead, as their wages were lower, thus enabling men to continue earning the higher wages. In that light, the Committee wished to know whether the Government had looked into that phenomenon. As a signatory to the International Labour Organization Workers with Family Responsibilities Convention, 1981 (No. 156), the State party should provide greater incentives for men to take the leave allotted to them, as the Committee had recommended in its previous concluding observations.

19. The State party's report referred to problems with preschool availability and affordability. She suggested that preschool hours should be better adapted to the schedules of working women. Lastly, she wished to know what strategies were in place to ensure that the principle of equal pay for work of equal value would be included in the revision of the Labour Code, due to be undertaken shortly, and that gender-equality experts would be part of the process.

20. **Mr. Vaidelis** (Lithuania) said that higher education in Lithuania was currently undergoing a transformation. Several institutions were being reorganized. Many students were drawn to social sciences and the humanities, but at the moment a strategy was in place to promote science, technology, engineering and medicine. Many programmes in education and the social sciences had been discontinued as they failed to meet established standards. In addition, programmes implemented with the support of European Union Structural Funds had been discontinued as well, as the highly restrictive financing rules had posed a number of problems. As to adult education, he said that there were 48 adult-education centres in the country, in addition to the University of the Third Age. Regarding truancy, it was not a serious problem in Lithuania. It was possible, however, that unreliable data had led to underestimating the phenomenon.

21. The Government had established multifunctional educational centres in rural areas which catered for school-age children as well as adults. A national interministerial programme had also been established to address the specific barriers restricting Roma girls' access to education. In 2013, two separate programmes had been introduced to schools, on health, including preparation for family life and sexual education, and human safety with a view to attaining distinct safety, health and sexual education goals at various levels of education.

22. **Ms. Daugalienė** (Lithuania) said that the National Rural Development Programme had greatly improved living conditions for rural women and had increased their participation in the labour market.

23. **Ms. Juršėnienė** (Lithuania) acknowledged that sexual discrimination and negative gender stereotypes had led to sectoral and professional gender segregation and resulted in a significant gender pay gap. Furthermore, men continued to hold senior management positions, while women remained in more junior positions. The Government had launched a five-year programme aimed at promoting the principle of equal pay for work of equal value, which would include employer awareness-raising initiatives to encourage gender equality in the workplace. A change in societal norms, however, would not be quick and would require sustained, long-term efforts. A series of measures had therefore been implemented to encourage women to become entrepreneurs and small business owners, including the introduction of a microfinance scheme and skills training programme. Gender mainstreaming had also been applied to all national employment policies and the Labour Code had been amended to include specific protection measures for women, such as improved working conditions and additional maternity leave provisions. The overall number of men opting to take parental leave remained low. However, societal attitudes appeared to be shifting and younger men were more willing to reconcile their professional and family responsibilities.

24. **Mr. Vaidelis** (Lithuania) said that the Government had taken steps to address the shortage of preschool places and had provided an additional 11,000 places in recent years.

25. **Ms. Nwankwo** asked whether steps had been taken to revise all educational textbooks and materials in order to eliminate negative gender stereotypes as well as to improve women and girls' access to affordable and modern contraceptive methods. She also wished to know whether the State party had considered requesting external technical assistance and additional human and financial resources to effectively promote sexual and reproductive health standards.

26. She requested further information on the content and status of the bill on the protection of life in the prenatal phase and asked to what extent it would affect women's reproductive rights, in particular with regard to the regulations and time limits pertaining to legal abortion and provisions pertaining to access to sexual and reproductive rights. She also wished to know whether the Government intended to campaign against the adoption of the bill and planned on limiting the influence of religious groups on political decisions concerning sexual and reproductive health rights. Given the high rates of infertility affecting families in the State party, she also enquired as to the status of the bill on assisted reproductive procedures.

27. Lastly, she requested further information on access by women with disabilities to reproductive health services and legal safeguards to prevent forced abortion and sterilization. What steps had been taken to investigate claims of forced abortion and sterilization of women with psychosocial and intellectual disabilities?

28. **Ms. Barciro-Bobadilla** asked whether there were policies and programmes aimed at the economic empowerment of rural women which ensured their access to productive resources and capital as well as to health services and to social and cultural opportunities. She also asked the delegation to describe the results achieved to date of the 2010–2014 national programme on equal opportunities for women and men, including detailed information on the material and human resources allocated to its action plan, and whether the time-bound targets established had been used to assess the progress of implementation in all regions of the State party, including rural areas. Had additional measures been taken to increase women's participation in public and political life, particularly vulnerable groups of women, such as Roma women, women with disabilities and women in rural areas?

29. **Ms. Armonavičienė** (Lithuania) said that the Government opposed the bill on the protection of life in the prenatal phase and was campaigning against its adoption. Woman had access to a wide range of modern contraceptive methods, including hormonal contraception, for which gynaecologists provided an initial check-up and family doctors provided follow-up care. The bill on assisted reproductive procedures had faced significant opposition in the parliament but steps had recently been taken to accelerate its adoption. Adolescent-friendly sexual and reproductive health services had been introduced in order to provide information and advice on a range of subjects, including sexually transmitted diseases and HIV/AIDS. Efforts were under way to strengthen and extend such services and a sexual and reproductive health bill had been prepared in partnership with women's organization and non-governmental organizations (NGOs) to further enhance the information provided to adolescents.

30. **Mr. Vaidelis** (Lithuania) said that school teachers were responsible for selecting the most appropriate textbooks for their students. The Government had revised all educational textbooks and materials in order to eliminate negative gender stereotypes and had launched training courses to assist teachers in their textbook selection. Religious education lessons formed part of the national curriculum but religious groups did not exert undue influence on political decisions involving sexual and reproductive health rights.

31. **Ms. Daugalienė** (Lithuania) said that national legislation provided for a number of specific protection measures for vulnerable women. Cases of sexual violence against women with disabilities in care homes were thoroughly investigated by the relevant authorities and a court order was required before any abortion or sterilization procedure was performed on persons lacking in legal capacity.

32. **Ms. Michailovskytė** (Lithuania) said that rural women's participation in public and political life had increased and rural women's organizations had become very influential at the local level. Rural women's action groups implemented local development strategies and received funding from the European Agricultural Fund for Rural Development. Rural women also had access to education and training as well as rural livelihood development schemes and their overall standard of living had increased dramatically. In some cases, rural women had become more politically and economically active than men.

33. **Mr. Klimavičius** (Lithuania) said that the Government not only provided financial support for rural women to work in their local communities but also to seek work in urban areas.

34. **Ms. Juršėnienė** (Lithuania) said that, in the follow-up to the previous concluding observations, a wide-ranging study had been conducted on women's access to employment, education, health care, housing and social and cultural life. The findings would be published online in September 2014 at the latest and would serve as a basis for policymaking and potential legislative amendments. Although no data were available on the participation of women with disabilities in decision-making, efforts were being made to involve all women, for example through women politicians' clubs. A programme had been set up to foster the training and economic empowerment of Roma women and additional measures were foreseen under the Programme for Roma Integration. The 2012–2014 Inter-Institutional Action Plan on the Promotion of Non-Discrimination would not be evaluated until 2015.

Articles 15 and 16

35. **Ms. Hayashi** asked what the rationale was behind authorizing girls under 16 to marry if they were pregnant, according to what criteria did the courts deny or approve requests for early marriage and whether the Government intended to amend the Civil Code to ban all marriages under age 18. Referring to the previous concluding observations and the Committee's general recommendation No. 29, she wished to know whether the State party had conducted a survey on the economic consequences of divorce on women and, if so, what the findings had been. She requested confirmation that the Constitutional Court had found the Conceptual Framework for National Family Policy unconstitutional because its definition of the family was too restrictive. She asked whether the bill on partnership covered all non-traditional family models.

36. **Ms. Michailovskytė** (Lithuania) said that the provision authorizing pregnant girls to marry early was necessary because marriage was the only way a girl could obtain legal capacity and custody of her child; there were currently no plans to amend the provision. Regarding the division of marital assets, she said that the courts were free to assign a larger share to either spouse based on their specific circumstances. The bill on partnership had been very recently submitted to the parliament for consideration.

37. **Mr. Milevičius** (Lithuania) said that the Conceptual Framework for National Family Policy was not being implemented, but that the Family Well-Being Action Plan 2008–2010, under the National Demographic (Population) Political Strategy, addressed a number of issues, including work-life balance.

38. **Ms. Al-Jehani**, drawing the delegation's attention to the Committee's general recommendation No. 27, asked whether a strategy was in place for older women that took

account of the fact that they tended to live longer and ran a greater risk of falling into poverty than men and whether there were adequate homes for such persons if they could not be cared for by their families.

39. **Ms. Pimentel** said that her concern did not lie in the notion of family values per se, but in their qualification as "traditional". Therefore, she wondered whether it was possible to both strengthen traditional family values and encourage the broadening of women's role in society and their participation in public and economic life.

40. **Ms. Jahan** asked whether the bill amending the Law on Citizenship contained safeguards for children born to stateless parents who were not permanent residents, and requested further information on provisions regarding the nationality of Roma children.

41. **Ms. Bareiro-Bobadilla** wholeheartedly commended the State party on its efforts to combat hate crimes and urged it to include information on tangible progress made in the enjoyment of women's rights in its next report.

42. **Ms. Gbedemah** asked what measures were in place to ensure that private sector employers complied with equal pay regulations.

43. **The Chairperson**, speaking in her capacity as Committee member, invited the delegation to comment on the absence of any reference to the Convention or to the Committee's recommendations in the new programme on the prevention of domestic violence and on reports that many cases of domestic violence were never brought before the courts, despite the law mandating that investigations into such cases should be conducted. She asked whether cases of domestic violence would be exempt from the article of the Criminal Code that provided for release from criminal liability upon reconciliation between the offender and the victim and, if so, whether the bill on the protection against domestic violence would ensure that domestic violence would not be covered by that provision.

44. **Ms. Juršėnienė** (Lithuania) said that the study on the situation of women had included older women and that the subsequent report would contain specific recommendations concerning them.

45. **Mr. Milevičius** (Lithuania) said that the family welfare action plan under the National Demographic (Population) Political Strategy, which had been designed in consultation with local authorities and NGOs, included measures regarding the health of older persons. Teaching parenting skills did not conflict with promoting the full participation of women in society.

46. **Mr. Žilinskas** (Lithuania) said that stateless children, including Roma children, could acquire Lithuanian nationality if their parents resided in the country. Proceedings were launched in only half of domestic violence cases and the rest were usually dropped for lack of evidence.

47. **Ms. Juršėnienė** (Lithuania) said that measures had been taken to implement the Committee's recommendations regarding the promotion of gender equality in the private sector, but that no laws had yet been adopted.

48. **Ms. Daugalienė** (Lithuania) said that the bill on partnership defined partnership as the cohabitation of a man and a woman in a family relationship.

49. **Ms. Michailovskytė** (Lithuania) said that no new legislation on domestic violence was currently being drafted; however, a working group had been established to draft a conceptual framework for protection against domestic violence, which might form the basis for a new law or amendments to the Criminal Code and Code of Criminal Procedure. An exception to the provision for release from criminal liability upon reconciliation would be included in either a new law or the existing Codes.

50. **Mr. Klimavičius** (Lithuania) said that the Government was striving to ensure that women's rights were guaranteed not only under the law but in practice as well. It was committed to continuing its cooperation with women's associations and other actors to gradually implement the Committee's recommendations.

51. **The Chairperson** commended the State party for its efforts and encouraged it to take the necessary steps to implement the Committee's forthcoming concluding observations.

The meeting rose at 5.20 p.m.

United Nations CEDAW/C/SR.1231

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
30 July 2014

English only

Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record of the 1231st meeting
Held at the Palais des Nations, Geneva, on Thursday, 10 July 2014, at 10 a.m.

Chairperson: Ms. Jahan (Vice-Chairperson)

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Combined initial and second periodic reports of Swaziland

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Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10.05 a.m.

In the absence of the Chairperson, Ms. Jahan (Vice-Chairperson) took the Chair.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second periodic reports of Swaziland (CEDAW/C/SWZ/1-2; CEDAW/C/SWZ/Q/1-2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Swaziland took places at the Committee table.*

2. **Ms. Mabuza** (Swaziland), introducing the combined initial and second periodic reports of Swaziland (CEDAW/C/SWZ/1-2), said that various factors had delayed the report's submission, including a lack of trained personnel, insufficient statistics and the protracted legal reform process. However, the Government was committed to promoting and protecting women's rights and the Prime Minister had recently announced that gender and family issues would be prioritized in his action plan for the next five years. Consultations on the establishment of a law reform commission tasked with aligning national laws with the Constitution and international instruments were ongoing and the codification of civil and customary laws and their alignment with the Constitution were nearing completion.

3. The Convention was not generally used as a key instrument in interpreting the law but its principles had guided a number of judgements involving women's rights. Women had the right to seek redress through the civil and national courts and often availed themselves of that option. Conscious of the need to raise awareness of the Convention and its application among members of the judiciary, the authorities had developed a set of training manuals and were seeking capacity-building assistance from relevant United Nations agencies and other partners.

4. The national machinery for the advancement of women had been enhanced in early 2014 with the upgrade of the former Gender Coordination Unit to departmental status. The principle responsibility of the newly established Gender and Family Issues Department was to mainstream gender in all policy areas, building on the advances made, inter alia, in the 2013 sexual and reproductive health policy, the 2010 HIV response policy and the 2013 disability policy. The attention accorded to gender issues was starting to yield results in structured, urban communities; however, approximately 70 per cent of the population lived in unstructured, rural communities. A concerted effort to mainstream gender at all levels of government, including the Tinkhundla level, was needed and, through the Gender Consortium, a number of NGOs were working directly with the Government to advance that process.

5. The laws of Swaziland did not generally discriminate against women and discrimination was expressly prohibited in article 20 of the Constitution. Equal access to land, irrespective of gender, was guaranteed in article 211. A bill on legal aid that would facilitate access to justice for women and children was currently being considered by the Attorney General's Office. Free legal assistance was available to indigent clients through the University of Swaziland but on a very limited scale only. The United Nations-sponsored Joint Gender Programme was due to establish a Government legal aid service in 2015.

6. The national gender policy adopted in 2010 provided the main national framework for addressing stereotypes and the media's role in sustaining them. The Government and civil society were running campaigns to raise awareness of the negative consequences of stereotypes and all forms of gender-based violence were outlawed in the sexual offences and domestic violence bill currently pending royal assent. The observance of traditional

mourning customs was optional. It was an issue determined at family level that was not addressed directly in legislation, although article 28 of the Constitution stipulated that women should not be compelled to undergo or uphold customs to which they were opposed.

7. Escalating domestic violence was a major concern. Alarmingly, a survey conducted by the United Nations Children's Fund (UNICEF) had revealed that almost half of all young women were likely to be exposed to violence. Working in conjunction with NGOs, the Government was increasing the availability of shelters for victims and round-the-clock hotlines for reporting abuse were run by a number of institutions, including the Royal Swaziland Police. Marital rape was criminalized under article 151 of the bill on sexual offences and domestic violence while sexual harassment was addressed under article 48.

8. Swaziland was a source, transit and destination country for trafficking in human beings. The number of cases reported was small, but the true figure was feared to be much higher. To deal with the emerging problem, the Government had enacted an anti-trafficking law in 2009, had established an anti-trafficking secretariat within the Prime Minister's Office, a toll-free hotline and other structures and institutions, and had entered into bilateral discussions with South Africa and Mozambique. Prostitution had not been legalized in Swaziland.

9. Women stood freely for election alongside their male counterparts, although the people of Swaziland were not yet accustomed to vote for them and only one woman candidate had been successful in the 2013 elections. In application of the relevant Constitutional provisions, the King and members of parliament had subsequently appointed additional female senators, taking their total number to 10 out of a possible 30. The Government was committed to achieving the 50 per cent quota set in the South African Development Community Protocol on Gender and Development and was developing a strategy for promoting women's active participation in politics and decision-making which should have a positive impact on results in the 2018 national elections.

10. Educational policy in Swaziland was designed to open up better career opportunities for girls and young women by including science, mathematics and information technology in the core curriculum. Access to employment benefits had been greatly facilitated by the issuance of national identification cards to almost all citizens and there was no formal requirement for women to provide marriage certificates as proof of matrimony in order to access employment benefits. Women wishing to challenge relatives who deprived them of their lawful benefits could pursue their case through the Master of the High Court. However, the registration of assets, marriages and deaths remained a challenge for most of the population, with continuing implications for inheritance and landownership.

11. In consultation with relevant stakeholders, the Government was working to ensure wider compliance with the provisions of the 1980 Employment Act, which entitled women to three months of fully paid maternity leave. It was also working to reduce maternal deaths and mother-to-child HIV/AIDS transmission through wider availability of antenatal care, skilled birth attendants and facility deliveries and to make sexual and reproductive health services easily accessible through the State health system.

Articles 1 and 2

12. **Ms. Patten**, noting that the Convention's provisions did not take precedence over national laws, called for the transposition process to be prioritized and accelerated. A number of bills were taking an inordinately long time to pass through parliament, including the marriage bill, the administration of estates bill, the employment bill and the sexual offences and domestic violence bill, and several laws containing discriminatory provisions required revision or repeal. She asked what priority was being given to those processes and

what time frame was envisaged for completion. She would also like an update on progress towards the establishment of a law reform commission.

13. She would like to know more about the scope of the project to codify civil and customary laws and align them with the Constitution, and whether the State party would also be introducing amendments to the Constitution. For example, the definition of discrimination provided in article 20 needed to be expanded to include sex and marital status in the list of prohibited grounds; article 28, paragraph 3 should not give women the onus of refusing to uphold customs to which they were opposed; and the requirement established in article 28, paragraph 3 should not be "subject to the availability of resources".

14. More information about government measures to address vulnerable groups of women, such as women with disabilities and women with HIV/AIDS, would be appreciated, as well as details about the work of the Commission on Human Rights and Public Administration, established in 2009. Reports suggested that, in the absence of enabling legislation, the Commission was not functioning satisfactorily. Lastly, she asked whether the State party envisaged ratifying the Optional Protocol.

15. **Ms. Neubauer** said that the report provided insufficient information about efforts to guarantee access to justice although it acknowledged many of the obstacles. The legal framework was inappropriate and in breach of the State party's obligation to guarantee equality before the law in that, under civil law, litigation could be instituted only by a person with full legal capacity while, under marital law, married women were treated as minors for legal purposes and thus could not institute legal proceedings without their husband's support. Women's right to equal treatment in all stages of legal processes was further compromised by the high cost of litigation, which disadvantaged women more than men. She would like to know more about the efforts to introduce a free legal aid service and to facilitate access to justice for women in general. Could the delegation indicate when the obstacles might be removed?

16. **Ms. Mabuza** (Swaziland) said that the questions relating to specificities of the justice system would be referred to experts in Swaziland and answered subsequently. The slow pace of the transposition process was attributable mainly to capacity constraints; well-trained, dedicated personnel were required to understand fully the requirements of the Convention and the reporting process. However, she could assure the Committee that all relevant ministries were engaged in a concerted effort to push the outstanding bills into law. She could not provide time frames for their adoption but would refer the request to the Attorney General's Office. The sexual offences and domestic violence bill had been approved too close to the end of the last parliament's term of office for the formalities to be completed. The bill may have to be resubmitted to the new parliament but the content was not at issue; it was simply a question of timing. Once passed, the law would fill many of the gaps in the prevention and protection framework.

17. The codification exercise had been completed. The report required a few final consistency and alignment checks but would be available shortly. Amendments to the Constitution were not on the agenda at present but the Committee's concerns and suggestions would be taken into account as part of the Government's gender mainstreaming efforts.

18. With regard to vulnerable groups, a draft disability act was on the table pending alignment with the disability policy approved in 2013. The possibility of enacting legislation on gender equity and equality was under consideration. The problems affecting specific vulnerable groups were also addressed in the social development policy adopted in 2012. The Commission on Human Rights and Public Administration was operational, albeit

on a minimal scale, and reported to the Ministry of Justice. Discussions on how to improve its capacity and resources so that it was better equipped to fulfil its mandate were ongoing.

19. **Ms. Mhonta-Simelane** (Swaziland) said that she was not in a position to report on progress towards ratification of the Optional Protocol because, although the process had begun, it was at a very early stage.

20. **Ms. Mabuza** (Swaziland), acknowledging the deficiencies in access to justice, said that ensuring the availability of adequate statistics and applying the Convention's articles in the adjudication of cases were two of the main challenges. Training had been provided to the judiciary on both aspects and efforts to enhance technical expertise were continuing. At present the availability of legal aid was limited. Women in rural areas were for the most part excluded although the University of Swaziland was looking to expand the services it provided.

21. The provision of legislation governing the distribution of marital property which stipulated that married women were minors for legal purposes was due to be reviewed. Women would thenceforth be able to pursue litigation in their own right, and would also have direct access to credit.

22. **The Chairperson** asked the delegation to ensure that the additional information promised would be provided within 48 hours.

23. **Ms. Patten** asked whether the State party had considered adopting a law on gender equality that included the definition of discrimination against women contained in article 1 of the Convention, or a four-year action plan for implementing the Committee's concluding observations. She asked whether the bill on legal aid covered civil as well as criminal cases.

24. **Ms. Mhonta-Simelane** (Swaziland) said that a law on gender equality would be adopted as part of the Government's action plan for 2014–2018.

Article 3

25. **Ms. Pires** said that the mandate of the Gender and Family Issues Department, which was to coordinate gender mainstreaming activities across all sectors and ministries, was extremely broad. Noting that the Department currently had only three staff, she asked whether the State party planned to allocate more human and financial resources to it and to accord the Department the status of a ministry. She also wished to know when the standards and guidelines for mainstreaming the gender perspective in all governmental structures and sectoral programmes would be adopted. The fact that the current ministerial focal points for gender lacked seniority and were expected to perform other duties served only to reduce their effectiveness. She asked whether the State party had considered appointing more senior ministerial officials to that role. Moreover, she would like to know whether there were plans to introduce gender-sensitive budgeting into the various government ministries; whether there was a framework for monitoring and assessing the implementation of the National Gender Policy adopted in 2010; and whether there was a mechanism for collecting gender-disaggregated data.

26. **Ms. Mhonta-Simelane** (Swaziland) said that a national gender index would be developed as part of the Government's action plan for 2014–2018. The Gender and Family Issues Department had devised a framework for monitoring and assessing the implementation of the national Gender Policy. There were indeed plans to introduce gender-sensitive budgeting into the various government ministries. Consultations were being held with the ministries concerned to determine how best to achieve that aim. The aforementioned standards and guidelines would assist both ministerial focal points for gender and NGOs in mainstreaming the gender perspective in all governmental structures and sectoral programmes. Two more staff had been assigned to the Gender and Family

Issues Department for the year 2014–2015 and it was hoped that more staff would be assigned to the Department in the future.

27. **Ms. Mabuza** (Swaziland) said that a request for additional human resources to be allocated to the Department had been submitted to the Ministry of Finance. There were currently no plans to accord the Gender and Family Issues Department the status of a ministry. Ministerial focal points for gender were normally appointed on an ad hoc basis. The fact that the same ministerial official was rarely appointed twice served only to undermine the effectiveness of the focal points for gender as a whole.

28. **Ms. Pires** asked how many staff the Gender and Family Issues Department needed to function effectively; how gender-sensitive budgeting would be introduced into the various ministries; and whether the fact that the Department did not have ministerial status prevented it from influencing government policy.

29. **Ms. Mabuza** (Swaziland) said that it was important for the Ministry of Finance to have a clear understanding of what mainstreaming the gender perspective entailed and of the work that would be carried out by the additional staff requested. The fact that the high turnover of ministerial focal points for gender undermined their overall effectiveness had been put forward as an argument in favour of allocating more human and financial resources to the Department. The fact that the Department did not have ministerial status did not prevent it from influencing government policy.

Article 4

30. **Ms. Hayashi** said that the electoral quotas for women in parliament established in articles 94 and 95 of the Swazi Constitution were not applied in practice. She asked which government institution was responsible for enforcing those quotas and whether a separate piece of legislation was required to do so. The State party had an obligation to ensure the equal participation of women in decision-making bodies at all levels, regardless of the general public's attitude to female candidates. She recalled that, under the Convention, the State party was required to act without delay to eliminate discrimination against women, and to adopt temporary special measures to accelerate de facto equality between men and women in all spheres. She asked whether the Government planned to adopt legislation to introduce such measures.

31. **Ms. Mabuza** (Swaziland) said that the Government did not prevent women from participating in politics. Parliament and the Elections and Boundaries Commission, in cooperation with the Ministry of Justice, were responsible for enforcing the electoral quotas. However, article 95 of the Swazi Constitution, which provided for the election of four female members from the four regions of the country to the House of Assembly, was not currently being applied. The Government was aware of the need to adopt legislation to enforce that quota. One of the priorities under the Government's action plan for 2014–2018 was to empower women to stand for election and to change the attitude of the electorate to female candidates.

Article 5

32. **Ms. Patten** said that the national study conducted by UNICEF in 2007 had indicated extremely high levels of violence against women and girls in the State party. The poor implementation of existing legislation and a lack of coordination among sectoral actors had undermined measures to prevent and address violence against women. Moreover, a recent study had confirmed that violence against women and children with disabilities was on the rise. Noting that one of the Government's targets under its action plan for 2014–2018 was to halve the number of cases of domestic violence, she asked what measures the State party envisaged taking to achieve that target. She also wished to know when the bill on sexual

offences and domestic violence would be adopted; what the Gender and Family Issues Department was doing to expedite that process; and whether the Government planned to set up "one-stop" centres to assist the victims of gender-based violence in the other regions of the country. Did the Government plan to establish specialized courts to deal with cases involving sexual offences, and to provide comprehensive training to police officers and other individuals who worked with the victims of such offences? Had the Government considered establishing a mechanism for addressing sexual and gender-based violence? She would also like to know of the measures in place to protect women and girls with albinism from violence and abuse.

33. **Ms. Neubauer** said that the State party's existing legal framework had proved ineffective in reducing the prevalence of sexual violence against women and girls. Moreover, it did not class marital rape as a criminal offence and contained patriarchal values that condoned discriminatory practices. The State party should adopt legislation intended to protect women and girls against marital rape and sexual and domestic violence as a matter of urgency. She asked whether there were plans to review and amend the provision of criminal law that required complainants to provide corroborating evidence in cases involving sexual offences.

34. **Ms. Mabuza** (Swaziland) said that the Children's Protection and Welfare Act and the bill on sexual offences and domestic violence comprehensively addressed violence against women and children and were central to the Government achieving its target of halving the number of cases of domestic violence by 2018. Moreover, the system for reporting cases of domestic violence and sexual abuse had been improved to allow the competent authorities to act more quickly. The Gender and Family Issues Department was currently working with the Ministry of Justice to expedite the adoption of the bill on sexual offences and domestic violence. "One-stop" centres would also be set up in the other regions of the country. Two specialized children's courts had already been established. The Government planned to provide training to all individuals who worked with the victims of sexual and gender-based violence. A mechanism for addressing sexual and gender-based violence had recently been established; however, it required additional technical support and human resources. Women and girls with albinism were protected under national legislation. The Government did not condone any form of abuse against women; they were encouraged to report all acts of sexual and gender-based violence to the competent authorities. There were no plans to review or amend the provision of criminal law that required complainants to provide corroborating evidence in cases involving sexual offences.

35. **The Chairperson**, speaking in her capacity as an expert, said that it would be useful to know the number of perpetrators of acts of sexual and gender-based violence who had been prosecuted and punished in the last few years.

36. **Ms. Patten** said that the Committee had learned of a number of cases in which women and girls with albinism had been murdered and in which the penalties incurred by the perpetrators had not been proportionate to the crime. She asked what measures the State party was taking to eliminate stereotyped concepts of the role of women and to combat the negative stereotyping of women in the media and within the Government. She requested additional information on the improved system for reporting cases of domestic violence and sexual abuse. Lastly, she enquired as to the specific law under which perpetrators of acts of sexual and gender-based violence were prosecuted.

37. **Ms. Neubauer** said that a State party facing severe constraints that adversely affected its ability to address women's rights must seek international cooperation. How committed was Swaziland to addressing women's rights and to discussing women's rights under the Convention with international cooperation partners and donors, particularly violence against women?

38. **Ms. Mabuza** (Swaziland) said that there was political commitment to women's rights and that the Government raised issues concerning the rights of its citizens in its discussions with international cooperation partners. There was room for improvement and the specific requirements of the Convention on women's equality, empowerment and protection against violence should be taken into account in strategic plans and programmes.

39. Eliminating stereotypes remained a challenge, but Swaziland was working with all stakeholders to address cultural stereotypes persisting at school, at home and in public. The media was instrumental in raising awareness of violence in the community and spurring the Government into action. Greater cooperation was required to ensure that the right message about negative stereotypes was conveyed.

40. The system for reporting cases of domestic violence and sexual abuse was a new initiative, focusing on children — primarily girls — and was still a work in progress. Gender-based violence cases were currently tried under the Criminal Procedure and Evidence Act, as the adoption of the bill on sexual offences and domestic violence had been delayed.

41. **Ms. Mhonta-Simelane** (Swaziland), said that gender focal points had been established in media outlets to promote gender equality and disseminate the Convention. They had received training on gender equality and had drafted a gender and media policy under the auspices of the Ministry of Information, Communications and Technology.

42. **Ms. Mabuza** (Swaziland) said that at present there were no statistics available on perpetrators of acts of sexual and gender-based violence prosecuted and punished in recent years. However, the process of collating data would be started, in line with the requirements of the Convention. The fact that some murder cases were taking so long to go through the justice system was a cause of concern and every effort was being made to bring them to a close. As far as she knew, only one case involving a woman with albinism was pending, which was being followed up. A major challenge was that the Convention was still not being invoked and applied, and steps would be taken to remedy the situation.

43. **Ms. Patten** asked whether there would be further debates on the bill on sexual offences and domestic violence when it was resubmitted to parliament, given the new composition of the Government.

44. **Ms. Mabuza** (Swaziland) said that the debate on the bill would be reopened and some returning members of parliament were already familiar with it, which facilitated matters.

Article 6

45. **Ms. Gabr** said that Swaziland had been addressing the issue of human trafficking since 2009, but evaluating progress had been hampered by a lack of data. Would the State party consider carrying out a national study to collect data disaggregated by sex and age on trafficking victims? She enquired about cooperation with civil society on tackling trafficking and whether the repatriation of victims was voluntary. She wished to know how women were protected against customary marriages, which were often used to force women into domestic work. Did Swaziland intend to implement the Ouagadougou Action Plan to Combat Trafficking in Human Beings, especially Women and Children and, if so, was there regional and subregional cooperation within the African Union towards that goal? She asked whether officials dealing with trafficking received adequate training in identifying and supporting victims.

46. **Ms. Leinarte** noted that prostitution was criminalized in Swaziland and that prostitutes were subject to sanctions ranging from fines to imprisonment, which was contrary to the Convention. However, she commended the positive attitudes of Swazi

society, which considered women as victims of violence. She wondered whether the State party would consider adopting the Nordic model and amend its Criminal Code to criminalize clients and pimps, instead of prostitutes. What measures were in place to support women wishing to leave prostitution?

47. **Ms. Mabuza** (Swaziland) said that trafficking in persons was a serious offence and measures were in place to address and, if possible, to eliminate the scourge. The State party would take on board the recommendation to carry out research and collect disaggregated data on victims. In cooperation with civil society, victims were provided with safe homes, counselling and rehabilitation services, and their repatriation was voluntary. Customary marriages did expose women to the risk of trafficking and exploitation; to protect them, the law had set the legal age of marriage at 18 years.

48. **Ms. Mhonta-Simelane** (Swaziland) said that a study on prostitution in Swaziland had been conducted by NGOs. The aim was to assist women who wished to leave prostitution and foster their economic empowerment in other ways.

49. **Ms. Gabr** asked whether the referral mechanism for victims of human trafficking would be included in future government action plans on trafficking. She stressed the importance of ensuring that officials received adequate training on the referral mechanism so as to be able to identify and provide assistance to victims.

50. **Ms. Mabuza** (Swaziland) said that those aspects would be taken into account in national programmes.

51. **Ms. Leinarte** asked whether Swaziland would consider amending legislation to decriminalize women prostitutes, while keeping prostitution itself illegal.

52. **Ms. Mabuza** (Swaziland) said that the idea could be discussed.

Articles 7 and 8

53. **Ms. Bareiro-Bobadilla**, while commending Swaziland on including the 30 per cent quota for political representation of women in its 2005 Constitution, noted that the quota had not been observed in the House of Assembly elections; in fact, the representation of women in the House of Assembly had decreased since 2008. Repeated efforts by NGOs to draw attention to the problem and encourage the Government to enforce legislation had been unsuccessful. She asked what the reasons for that decrease were and requested details of how electoral campaigns were conducted. She welcomed the fact that the quota had been met in the Senate, although the King had facilitated matters. Noting that the Queen Mother also had some power and influence, she wondered whether the law provided for a woman to succeed to the throne. She requested information on the composition of the current cabinet and other top positions in public administration. She encouraged greater efforts to increase women's participation at the highest level of the judiciary and diplomatic service.

54. **Ms. Mabuza** (Swaziland) said that the State party was committed to the participation of women in public and political life and recognized that the decrease in the number of women in the House of Assembly had changed the dynamic. It had been partly due to women traditionally being uninterested in participating in politics. The Government was aware of the need to find a means of implementing legislation to enforce the quota and to explore ways to stimulate the interest of women in political life. Action must be taken long before the election period through advocacy and awareness-raising among women of the importance of their political involvement.

55. The electoral process was open, starting at grass-roots level with local communities being allowed to nominate candidates. There were more women than men voters, so it was difficult to understand why women did not support each other, but it was a question of changing traditional perceptions of women's roles to encourage women to have faith in

electing other women. Slow but steady progress was being made in increasing the number of female judges and ambassadors and it was hoped that over time even more women would be enlisted.

56. **Ms. Gwebu** (Swaziland) said that cultural background played a significant role in the issue of succession to the throne and it was doubtful that there would be a queen in the near future, particularly given the number of males in the line of succession.

57. **Ms. Bareiro-Bobadilla** said that it was important to change women's traditional attitudes to participating in politics. She wondered if the King and Queen Mother could be encouraged to appoint even more women to the Senate. It was also vital for high-profile women to use their influence to promote other women.

Article 9

58. **Ms. Al-Jehani** asked whether, under the constitutional review, the nationality law would be amended to remove discriminatory provisions against children born out of wedlock, or not recognized by their fathers, who were currently denied the right to nationality. She also wished to know whether the law would be amended to grant nationality automatically to the children of Swazi women married to foreigners.

59. **Ms. Mabuza** (Swaziland) said that consideration was given to preventing discrimination against children born out of wedlock to foreign fathers. Children born to foreign fathers were not granted nationality automatically; an application had to be made and the father had to fulfil certain requirements such as renouncing his own nationality.

60. **Ms. Al-Jehani** reiterated her question of whether the nationality law would be amended to remove discriminatory provisions against children born out of wedlock. It was crucial that the procedures to obtain nationality should not undermine the dignity of women. She also reiterated her question of whether the nationality law would be amended to grant nationality to the children of Swazi women married to foreigners, as happened automatically in the case of the children of Swazi men married to foreign women. What mechanism was in place to enable those children to obtain nationality? She requested statistics on the number of Swazi women married to foreigners, so as to have a better idea of the scale of the problem.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1232

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
23 July 2014

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Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record (partial)* of the 1232nd meeting
Held at the Palais des Nations, Geneva, on Thursday, 10 July 2014, at 3 p.m.

Chairperson: Ms. Jahan (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second periodic reports of Swaziland (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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Any corrections to the records of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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Please recycle

In the absence of Ms. Ameline, Ms. Jahan (Vice-Chairperson), took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second periodic reports of Swaziland (continued) (CEDAW/C/SWZ/1-2; CEDAW/C/SWZ/Q/1-2 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Swaziland took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Mabuza** (Swaziland), replying to questions asked at the previous meeting (CEDAW/C/SR.1231), said that, under the Citizenship Act, a child born to a Swazi woman and a foreign man could obtain citizenship, provided certain procedures were followed. The same applied to a foreign man who married a Swazi woman. While there were no immediate plans to review the Act, the nationality issue warranted the Government's attention. She did not have statistics on the number of Swazi women who were married to foreigners, but many foreigners were resident in Swaziland and enjoyed all the social benefits available to Swazi citizens.

3. **Ms. Gbedemah** commended State party on its efforts to uphold the right to free primary education and the resulting increase in enrolment rates, but said that education was not entirely free owing to various hidden costs. Nor was it truly compulsory. She requested more information on measures to increase the number of girls who took up the sciences and urged the State party to consider implementing temporary special measures, in particular quotas, scholarships and career guidance, in accordance with general recommendation 25. She requested statistics relating to enrolment in secondary-level and vocational courses, disaggregated by gender and subject, and corresponding data relating to teaching staff. The high dropout rate among girls was alarming, particularly when it was due to teenage pregnancy. How would the Government enforce the school readmission policy for pregnant girls, which was not fully implemented owing to opposition to it on the part of some communities and schools? Given that a large number of girls also dropped out of school due to early marriage and household duties, how would the Government ensure that primary education was compulsory? Was a comprehensive sex education programme in place for both boys and girls and how would the Government address the preconception that sex education led to promiscuity? Lastly, she called for the provision of proper sanitary facilities for girls in schools.

4. **Ms. Bailey**, referring to the alarming statistics on violence in the education system, said that abuse by teachers was likely to include the sexual abuse of girls. She expressed concern over the prevailing culture of silence and consequent underreporting of such cases. Did the Government plan to collect more specific sex-disaggregated data on the types and locations of abuse committed in and around schools and on the victims and perpetrators? She requested information on the outcomes of the 1,632 child abuse cases reported to the police up to the end of 2006. Other sources indicated that girl victims of sexual abuse by teachers were sometimes forced to marry their abusers and drop out of school, while the perpetrators remained in employment. How widespread was that phenomenon and were there measures in place to combat impunity? Referring to the Government policy to discourage the use of corporal punishment in schools, she asked why the practice could not be abolished immediately.

5. **Ms. Mabuza** (Swaziland) said that the Government had initiated discussions with schools and parents to address the problem of hidden costs in education. It aimed to

implement relevant measures the following year and possibly review the Free Primary Education Act. There was a need for statistical data to inform policy decisions relating to girls' uptake of information technology, science and maths. In that regard, she referred to the Government's cooperation with various Asian countries, efforts to improve career guidance services and a State programme to provide electricity to all schools and build computer science laboratories. The budget allocated for tertiary-level scholarships would be reviewed, the issue of quotas explored and the requested disaggregated data provided. Re-entry policies for pregnant girls must be promoted and girls empowered to return to school following childbirth. There was an age-appropriate sex education programme in place in schools and the State party was working with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Gender Coordination Unit to ensure that it was effective. Since sexual violence against children often occurred as they travelled between home and school, a Government policy had been adopted to ensure that there was a school within every 5-km radius to minimize the distances travelled. More work therefore needed to be done and a clear mechanism should be established to bring the perpetrators of child abuse, including teachers, to justice. The State party would benefit from assistance and guidance from other countries in that regard. The requested statistics on abuse cases and information on their outcomes would be provided. Lastly, the Government had begun to tackle the issue of whether to abolish corporal punishment.

6. **Ms. Pomeranzi** said that, while employment among women had increased steadily, the informal sector was dominated by women and the private sector by men. Furthermore, leadership positions in both sectors were dominated by men. While national legislation did not discriminate against women, there was much de facto discrimination. There was no mechanism to enhance the role of women in the formal sector and labour inspections did not adequately address gender discrimination. What measures were envisaged to ensure that legislation on sexual harassment in the workplace was enacted and enforced? How would the Government ensure that provisions in the Employment Act granting women 12 weeks' paid maternity leave and regular nursing breaks at work were respected, particularly in the largely unmonitored private and informal sectors? What was it doing to ensure that widows received full social protection, particularly those married under customary practices? How was the Gender Coordination Unit involved in addressing such issues?

7. **Ms. Mabuza** (Swaziland) said that the national gender machinery had not yet looked into the effects of discrimination in the informal sector. The ongoing review of the employment bill provided an opportunity to discuss sexual harassment in the workplace and maternity leave. The registration of customary marriages was strongly encouraged, but mechanisms to ensure that every Swazi citizen was protected against the loss of assets on the death of his or her spouse should be improved.

8. **Ms. Mhonta-Simelane** (Swaziland) acknowledged the Committee's concern regarding problems in the informal sector. The Government was working closely with UN-Women on those issues, particularly with regard to cross-border trade.

9. **Ms. Patten** asked how the national gender machinery itself was addressing employment-related challenges. She requested more information on the review of the employment bill, in particular with regard to sexual harassment. Was there a labour inspectorate in place to deal with discrimination in the private and informal sectors? Lastly, were there initiatives to create economic opportunities that would allow women to move into the formal sector?

10. **Ms. Pomeranzi** asked whether the Gender Coordination Unit played an active role in implementing measures aimed at women's economic empowerment and whether it took part in discussions involving the State, trade unions and employers concerning women's access to the labour market.

11. **Ms. Mabuza** (Swaziland) said that the national labour inspectorate carried out regular inspections, but did not take into account gender considerations. The Government had taken a number of measures in order to incorporate a gender component into its employment policies and had appointed a number of gender focal points in an attempt to encourage gender equality. The Ministry of Labour, however, continued to be responsible for employment issues. The Gender Coordination Unit had not yet been involved in discussions on the matter.

12. Efforts had been made to include women working in the informal sector in the national social security system and the Employment Act of 1980 provided for a 12-week maternity period. The Government continued to take a series of measures to enforce the application of labour laws, especially with regard to maternity leave, so as to ensure that women in all sectors enjoyed equal benefits.

13. **Ms. Nwankwo** asked whether the recent health-care audit would be extended to include all medical facilities in the State party and whether the subsequent findings would be used to inform policymaking decisions aimed at tackling the high maternal and infant mortality ratios. She also wished to know whether the Government intended to take steps to address the non-use of contraceptives by women as a result of prevailing social and religious norms and the root causes of vulnerability to sexually transmitted diseases. Would the State party consider decriminalizing abortion in cases of rape, sexual assault or foetal impairment? Lastly, she enquired as to whether age-appropriate sexual and reproductive health education had been made available in schools and whether concrete measures had been taken to address the increasing HIV prevalence among women of reproductive age and the limited access to antiretroviral treatment for pregnant women.

14. **Ms. Mabuza** (Swaziland) said that, despite its best efforts, the Government had struggled to reduce national maternal and infant mortality ratios. Steps had been taken to introduce new health-care programmes to provide comprehensive antenatal, perinatal and postpartum care, to strengthen initiatives to combat mother-to-child HIV transmission and to improve access to medical facilities and services, but more work remained to be done.

15. Family planning services were readily available to women and there were no cultural or religious norms or beliefs which advocated the non-use of contraceptives. Some women living in remote or rural areas experienced difficulties in accessing medical facilities but it was hoped that the forthcoming improvements to the national infrastructure would resolve that issue.

16. The Government had incorporated sexual and reproductive health lessons into the national curriculum and had taken steps to discourage girls from becoming sexually active at a young age. A HIV/AIDS prevention plan had also been devised as part of wider efforts to reduce the rate of transmission.

17. **Ms. Mhonta-Simelane** (Swaziland) said that the Government had taken a series of measures to discourage girls from becoming sexually active at a young age. A study on teenage pregnancy had recently been conducted and its findings would be analysed in order to develop appropriate policy measures to tackle the issue. A number of community-based HIV/AIDS awareness-raising initiatives had also been launched and a strategy to combat gender-based sexual violence had been introduced.

18. **Ms. Pomeranzi** asked whether steps had been taken to implement articles 59 and 60 of the Constitution pertaining to the full integration of women in economic and social life so as to ensure that women entrepreneurs, particularly in rural areas, could access microfinance schemes and enjoy full economic empowerment.

19. **Ms. Mabuza** (Swaziland) said that a variety of microfinance and support measures had been made available to women entrepreneurs and steps had been taken to include

women working in the informal sector in the national social security scheme. Women still faced obstacles in accessing and owning land but it was hoped that the new national land policy would greatly help to address that issue.

20. **Ms. Mhonta-Simelane** (Swaziland) said that efforts had been made to include provisions for women entrepreneurs and small business owners in the national gender policy; however, to date, those provisions had not been fully implemented.

21. **Ms. Pomeranzi** asked whether the Government would consider amending the discriminatory provisions of the Companies Act of 2009, which stipulated that women must gain their husband's prior consent before registering a company.

22. **Ms. Mabuza** (Swaziland) said that Government would consider amending the Companies Act in conjunction with the Marriage Act in order to eliminate any discriminatory provisions against women.

23. **Ms. Gabr** asked what progress had been made to address the poverty faced by rural women, improve their access to land and remove barriers to landownership, such as those requiring women to seek the consent of their husbands before purchasing land. She also wished to know what measures had been taken to review the impact of inheritance laws on women's access to land. Lastly, she enquired about measures taken to include older rural women in HIV/AIDS support programmes and to improve their access to medical facilities and services.

24. **Ms. Zou** Xiaoqiao said that as a result of negative stereotypes women were barely taking part in rural community development or policymaking. There was no institutionalized complaints mechanism, which meant that women's concerns could thus not be integrated into policy. In that light, she wished to know what measures were in place to ensure that rural women participated in policymaking and whether the Government had set up programmes whose aim was to combat stereotypes and highlight the importance of women' participation in political life. The State party was encouraged to take temporary special measures or adopt a quota system.

25. Since women living in rural Swaziland, most of whom were involved in farming or ran small businesses, were generally unable to afford the improvements that would enable them to boost their productivity, she wished to know whether microfinance was available to rural women and whether the Government had programmes specifically targeting rural women. Credit was important, but so was skills training. She thus wished to know whether the Government had set up training programmes for rural women. Lastly, she requested information on the progress that had been made towards the attainment of goals regarding access to safe drinking water, sanitation and waste disposal.

26. **The Chairperson**, speaking in her capacity as an expert, requested additional information on the situation of older women, women with disabilities, women who headed households and widows (especially those who had been in customary marriages). She wished to know what specific steps the State party had taken with respect to pensions or any other social benefits for such women.

27. **Ms. Mabuza** (Swaziland) said that the Ministry of Agriculture had a rural development programme focused on empowering people living in rural areas. As part of the programme, which tended to benefit women, rural extension agents advised smallholders as well as the owners of large farms. Nonetheless, the State party had realized that the programme needed to be expanded.

28. She regretted that statistics concerning women living in poverty in rural areas were not readily available but said that approximately 63 per cent of the population on the whole was living below the poverty line, with women and children accounting for the larger share of people living below that line.

29. The resources that the Government was devoting to the promotion of rural development were not gender-specific. Government-subsidized funding, available through local constituencies or regional offices, could be applied for by those with a passion for a particular project. It was critical to ensure that such funding, which did not have to be paid back to the State, was not perceived as a mere handout.

30. On women and landownership, she said that there had been cases in which widows had been forced from their late husband's land, and in general Swazi legislation did not address that situation. It was hoped that it could be addressed in the context of a proposed bill on gender equality. However, local authorities had been strongly encouraged to ensure that the rights of women in their communities were protected. In a landmark court case, *Attorney General v. Mary-Joyce Doo Aphane*, a provision of the Deeds Registry Act that denied women married in community of property the right to register property in their own name had been ruled unconstitutional. However, a review of the relevant legislation was still pending.

31. Regarding the elderly, in particular grandmothers, she said that the Government provided a small grant amounting to some US$ 20 a month, paid quarterly. Available statistics showed that roughly 70 per cent of the beneficiaries of programmes to assist the elderly were women, many of them grandmothers who were taking care of grandchildren whose parents had succumbed to AIDS or emigrated in search of work outside the country. Technical assistance was being sought for an informed review of the actions that the Government could take to provide assistance to the elderly, who numbered about 60,000. The only assistance meant specifically for the elderly was the grant, but a study of other relevant measures that could be taken had been planned. Everybody aged 60 or older was entitled to the grant, regardless of whether they were still able to work.

32. **The Chairperson**, speaking in her capacity as an expert, asked whether the State party had special programmes for women with disabilities.

33. **Ms. Mabuza** (Swaziland) said that such programmes were slowly being developed. A disability policy, for instance, had been approved in 2013. It was not yet operational, and there were no programmes specifically for women with disabilities. A programme designed to promote community development, however, covered mostly women. As part of the programme, women received training in life skills and were encouraged to take up income-generating projects. The observation that women in Swaziland did not participate in community development was thus not entirely accurate, but the programme would most likely need to be expanded. Women were also the main decision makers in rural areas and led most projects.

34. Quotas could be looked into as part of the ongoing review of the employment bill, but it was important to keep in mind that men played an equally important role in development and should not be neglected. The Government's development programmes thus had to emphasize equality.

35. Regarding access to credit to boost productivity, she said that people in rural areas who could not be accommodated by the formal banking sector were the intended beneficiaries of the work of such organizations as the Imbita Women's Finance Trust. A programme of the Ministry of Finance was looking to cover people who currently lacked access to bank loans. It was important to incorporate a gender dimension as the programme developed in order to ensure that more women could benefit from it.

36. Lastly, programmes to improve living conditions — access to safe drinking water, sanitation and waste disposal — were ongoing. For instance, the Southern Environmental Authority, a parastatal organization, was investigating legislation dealing with waste management and developing related programmes, as waste disposal was becoming an environmental problem that negatively affected women's ability to generate income.

Significant efforts were also being made to drill bore holes and dig pit latrines for those without access to running water.

37. **Ms. Gabr** requested additional information on the amendment to the Deeds Registry Act. She wished to know whether the delegation intended work to with the media to publicize the issue. She understood that full implementation of the amendment required legislation and thus wished to know what was going to be done to ensure that the amendment to the law would take effect.

38. **Ms. Mabuza** (Swaziland) said that the relevant legislation was under consideration and pending submission to the parliament.

Articles 15 and 16

39. **Ms. Halperin-Kaddari** noted that Swaziland was the last country in the world in which a wife could legally be a minor under the guardianship of her husband. That doctrine, known as marital power and similar to the principle of coverture from common law, was apparently being treated as if it were like any other piece of legislation in need of amendment or repeal, even though its continued existence was a matter far more serious than the existence of any other discriminatory law in Swaziland or elsewhere. She understood that there were four types of matrimonial regimes in Swaziland – three under civil law and one under customary. One of the regimes involved marriage in community of property and two, which could be either with marital power or without, were out of community of property. She asked whether couples were really given the choice of regime, the consequences of which differed, and whether women had the information necessary to weigh the consequences of their choice. She requested assurances that the Government was taking steps to ensure that women were fully aware of those consequences, above all in view of two landmark cases, one, already touched on, in which a section of the Deeds Registry Act had been declared unconstitutional, and another *Nombuyiselo Sihlongonyane v. Moli Joseph Sihlongonyane*, in which the legal doctrine of marital power had been partially struck down. She understood that the ruling had called for the abolition of marital power only in cases of marriage under civil rites and in community of property and wondered what the reason for the limited abolition was and whether the ruling had had any practical effect.

40. Turning to *Attorney General v. Mary-Joyce Doo Aphane*, the case that had led to the amendment to the Deeds Registry Act, she said that she understood that the amendment had also provided for equal division of property, which was a positive development. Once again, however, it was apparently limited only to those who had married in a civil ceremony in community of property. She thus wished to know whether there were plans to have the amended law apply to all types of marriages.

41. Another issue had to do with divorce, which could be sought only for adultery or desertion. As a result, women found it hard to get out of marriages, and women who had married out of community of property — and could thus in theory retain their property — forfeited their rights to their property if they were found to be at fault. The Committee's general recommendation No. 29 went into great detail on the economic consequences of the dissolution of marriage and included a provision that stated that any connection between the notion of fault and property rights should be eliminated. Lastly, regarding customary marriages, which, according to the State party's report, were potentially polygamous, she emphasized that the Committee had recommended the abolition of polygamy. Moreover, in a customary marriage, the woman was under the marital power of both her husband and his family. Were there any plans to change that alarming situation?

42. **Ms. Mabuza** (Swaziland) said that there were civil marriages, governed by Roman-Dutch law, and customary marriages. Under civil law, one could marry in or out of

community of property, and the understanding was that everyone entering into marriage was aware of the options. It could be, however, that what each option entailed became fully clear only later, when problems arose. It was possible, too, that the amendment to the Deeds Registry Act had focused on one aspect of matrimonial regimes and neglected others. At any rate, a review of the Marriage Act could involve reconsideration of the limited grounds for divorce. The Ministry responsible was being pushed to make the review a priority.

43. In customary marriages, one naturally married one's spouse, but one also married into the spouse's family, and the family had the ultimate say in how the relationship would progress. Until there was another Swaziland, it was highly unlikely that such ways would change. Regrettably, polygamy was also a custom of the country, and it was likely to endure. Change had to be introduced slowly.

The discussion covered in the summary record ended at 5.10 p.m.

United Nations CEDAW/C/SR.1233

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record of the 1233rd meeting
Held at the Palais des Nations, Geneva, on Friday, 11 July 2014, at 10 a.m.

Chairperson: Ms. Patten (Vice-Chairperson)

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Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial and second to fifth periodic reports of the Central African Republic

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In the absence of the Chairperson, Ms. Patten (Vice-Chairperson) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second to fifth periodic reports of the Central African Republic (CEDAW/C/CAF/1-5; CEDAW/C/CAF/Q/1-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Central African Republic took places at the Committee table.*

2. **Mr. Samba Maliavo** (Central African Republic), introducing the initial and second to fifth periodic reports of the Central African Republic (CEDAW/C/CAF/1-5), said that his country faced an extreme crisis, with over half of the population requiring humanitarian assistance. To address discrimination and gender inequality, it had ratified a number of international human rights instruments; drawn up a national policy for promoting equality and related action plan; established a sectoral committee to mainstream gender in sectoral and development policies; submitted for approval a bill on gender equality; was reviewing the Family Code to remove discriminatory provisions; and had amended the Criminal Code to protect women against all forms of violence. The accession of a female Head of State was a milestone in the fight for equality; 35 per cent of those in the transitional Government were women, and the National Transitional Council had 10 per cent more women than in the previous parliamentary term.

3. Nevertheless, certain inequalities persisted: women had restricted educational opportunities and thus limited capacity to take decisions and participate in community life; the gender dimension was not sufficiently reflected in development efforts; low proportion of the budget was allocated to gender issues; women were underrepresented at all levels of decision-making bodies; the absence of judicial authorities in certain areas meant that offenders could commit crimes with impunity; and many girls and women did not have adequate recourse to justice in cases of sexual violence. The United Nations Office for the Coordination of Humanitarian Affairs claimed that there had been over 2,000 victims of rape and sexual violence between December 2013 and June 2014. Although the transitional Government had integrated gender issues into its road map for the transitional period, its goals could only be achieved with considerable assistance from the international community and in conditions of security and peace.

Articles 1 and 2

4. **Ms. Schulz** said that the delegation's presence was a sign of its willingness to take action in favour of women's right at a critical moment. However, she expressed concern that: the information in the periodic report dated back to 2010; according to an independent expert's report, efforts towards reconstruction had been slow and the country had shown a lack of commitment towards women's rights; and trade in arms and acts of violence against the population, particularly women and children, were apparently rife. She wished to know how the gender dimension was taken into account in measures to rebuild the State institutions in the judicial, health and education sectors, and whether there was a time frame for it; whether the transitional Government accorded priority to the payment of salaries in key areas for women such as security, health and education; what progress had been made towards demobilization, the reintegration of women soldiers and the reform of security forces; and whether the country applied the Committee's general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations.

5. While the measures adopted to involve women in the peace process, such as the national action plan to implement Security Council resolution 1325 (2000), seemed serious,

they were limited. She asked whether women from all communities were involved in local dialogue; how the Government involved Muslim women who had fled en masse; whether there were quotas for women's participation; what efforts were made to prevent incitement of racial and religious hatred between communities; whether the Reconciliation Commission and Permanent Commission on Dialogue were operational; what importance the two commissions accorded to gender; and whether there were other bodies associated with reconciliation efforts, and, if so whether they mainstreamed the gender dimension.

6. She asked why, despite having a monist legal system and a provision recognizing the superiority of international treaties over national law, the State party did not accord the Convention priority nor apply its definition of discrimination in national law; whether there was a scheduled programme for removing discriminatory laws; whether the State party was working with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) on that process; and what progress had been made towards ratifying the Optional Protocol and the amendment to article 20, paragraph 1.

7. **The Chairperson**, speaking in her capacity as an expert, said that the figures for cases of sexual violence were reportedly far higher than the figure of 2,000 mentioned in the opening statement. According to an independent expert's report there was insufficient official information on the extent of sexual violence, with estimates arguably low because many displaced persons were unable to access medical services and feared reprisals. She asked what efforts had been made to uncover the real extent of sexual violence, provide victims with assistance and bring those responsible to justice; whether the survey mentioned in question 5 of the list of issues (CEDAW/C/CAF/Q/1-5/Add.1) had been completed and had yielded results; whether the international community had been called upon to provide comprehensive medical treatment to victims of sexual violence; whether the 20 per cent of health-care facilities not destroyed during the conflicts were able to meet the demands of victims of sexual violence; and whether emergency contraception was available to the large number of women and girls living with HIV/AIDS.

8. Referring to a recent United Nations Security Council statement which underscored that transitional authorities had the primary responsibility to protect civilians, she asked whether the transitional Government had imposed a zero-tolerance policy against anti-Balaka and Seleka offenders and how it sought to bring them to justice. If the Central African Republic was to recover from the killing spree, those who masterminded, committed or participated in war crimes must be brought to account. Lastly, what attention had the transitional Government paid to an Amnesty International report documenting and naming chief offenders?

9. **Ms. Haidar** expressed concern at figures indicating that over 900,000 people — one fifth of the population — had been displaced internally or across the country's borders and at allegations that the displacement was connected with ethnic cleansing. She wished to know how the State party understood its role of protecting displaced persons and how it kept towns secure enough to allow internally displaced persons (IDPs) to return home.

10. She also asked what had been done to limit the proliferation of arms; how the country worked with humanitarian actors to evaluate needs of IDPs in specific sectors, and the accuracy of NGO reports that a large number of Muslims had been confined in rooms in Bangui. While the transitional Government's efforts to promote national reconciliation were laudable, if no steps were taken to prevent further displacement, the country could get trapped in a vicious cycle of action and reaction. What steps did the State party plan to take?

11. **Mr. Bangayassi** (Central African Republic) emphasized that his country needed effectively to be rebuilt owing to the unprecedented and extensive devastation, adding that all the data collected before the crisis would need to be updated. A national policy on

gender equality and equity had been drafted encompassing all developmental sectors and two government departments dealing with gender issues had been established. In addition, a sectoral committee had been established, comprising a focal point from each ministry and development partners.

12. There were limited national security forces available and the transitional Government took advantage of humanitarian visits to assess the situation on the ground; yet to fully understand the impact on the population, security would need to be restored in more areas. Although disarmament, demobilization and the reintegration of women and child soldiers were priorities, the Government was still only in an exploratory phase. At the end of 2013, with the support of MINUSCA, the Government had adopted an action plan on Security Council resolution 1325 (2000), which emphasized the role of women in conflict resolution and peace efforts.

13. **Mr. Djada** (Central African Republic) said that three transit centres had been opened for women and girl soldiers. Muslims were confined in Kilometre 5, Bangui, because they were killing any non-Muslims who tried to return. Muslims had also been confined in the area of Bouda, but the Government had dispatched a five-person team to negotiate for them to be sent to Chad. Since the transitional Government had been in power, the Ministry of Health had set up a coordination committee to meet humanitarian actors regularly in order to make all parties aware of the situation on the ground.

14. It was difficult to talk about security measures in towns and villages because the Central African Republic was so vast. Southern stretches of the country were relatively secure, administrative authorities were present and Muslims and non-Muslims coexisted in harmony, while in the entire east of the country, anti-Balaka and Séléka forces were still present. The violence was not the result of ethnic cleansing, but did indeed involve a conflict between Muslims and non-Muslims. Current assessments of the situation were hasty and did not provide a complete picture; accurate and in-depth studies were required to ascertain the fundamental causes of the problem and allow a peaceful solution to be found. The transitional Government had closed some areas and requested assistance from development partners to ensure that the entire population could return home.

15. **Mr. Mamadou** (Central African Republic) said that the transitional Government had organized IDPs into various camps. In Bangui, IDPs had spontaneously set up camps around the airport where the French army was stationed. Free medical services had been provided throughout the capital by NGOs, and there was a hotline for rape victims. In May 2014, the Government had signed an agreement under the auspices of an international organization to provide free health care for the entire population. Although humanitarian assistance and health care were in general available in Bangui, in most of the country, health care for the most vulnerable was restricted to humanitarian corridors.

16. Cooperation with humanitarian organizations was conducted on two levels: the strategic level was handled by the coordination committee, while on the operational level, 12 clusters had been established to provide a range of humanitarian assistance for people in distress. Government leadership in coordinating interventions needed to be non-negotiable, although some NGOs were failing to meet their obligations to report to the Government.

17. Re-establishing State institutions in the provinces would be a complicated task because outside Bangui, security forces were scarce and many judicial buildings and records had been destroyed. Even if staff was assigned to the provinces, there was no guarantee for their security. The Central African Republic had appealed to the International Court of Justice to bring to justice those responsible for the tragic events in the country since 2012. Round-table discussions had also been held in Equatorial Guinea, bringing together government, anti-Balaka and Séléka elements to discuss the country's future and

pave the way for national reconciliation. While calls had been made for an amnesty law to be introduced, in his view, those responsible for the recent crimes should be punished.

18. **Ms. Ramadan** (Central African Republic), acknowledging that much of the information contained in the report had undoubtedly become outdated since its submission, said that, during that four-year period, resources of necessity had been channelled into emergency humanitarian aid, leaving little for the implementation of equality policies and related action plans. Following the country's invasion by Séléka, revenues generated by the country's natural resources, where still extant, had been appropriated by the rebels, with serious implications for State income. The transitional Government had had to take on loans from the Republic of the Congo and the International Monetary Fund simply to meet its wage commitments, yet State salaries remained in arrears and State revenues continued to fall.

19. The disarmament plan central to the road map for the future incorporated a gender perspective to provide for the many women and children who had been forced to take up arms. A national action plan for the implementation of United Nations Security Council resolution 1325 (2000) had also been approved, but lack of resources was preventing progress on the ground. Humanitarian dialogue to discuss amnesty and establish the bases for reconciliation had commenced, although the President had made it clear that impunity would not be tolerated. Reconstruction was essential to the reconciliation process as prisons, courts and many other key infrastructures had been annihilated in the conflict.

20. The war had not been a religious one, but one in which religion had been used for political ends. The truth was that many young people had joined the conflict not out of conviction or deep-rooted affiliation but as a means to escape poverty and unemployment. Violence attributed to young Muslims might better be described as violence perpetrated by young persons rebelling against their economic and social situation. Religious leaders and organizations were, on the other hand, making significant contributions to the peace and reconciliation process. The presence of Muslim women on the recently established coalition of women for peace and reconciliation had enabled the new platform to access Muslim areas and talk with the communities directly.

21. Insufficient resources had prevented the establishment of integrated care programmes for women that encompassed health, education and legal assistance. The transitional Government continued to petition its international partners for the comprehensive support that many neighbouring countries, including the Democratic Republic of the Congo, had received in post-conflict situations, emphasizing that the Central African Republic was the only country of the Great Lakes Region not enjoying the benefits of such programmes. Illustrative of that situation was the fact that, while the acts of murder and rape committed in 2003 had been duly investigated and tried before the International Criminal Court, the associated victim support programme had been suspended in 2013 due to lack of funds and the unstable security situation. Without assistance from development partners and humanitarian organizations, the State party was unable either to duly investigate allegations of sexual violence or provide women with the services needed to help them recover from the trauma. Emergency contraception, HIV/AIDS prevention services and perinatal care would also remain lacking.

22. **Ms. Šimonović** asked the State party to explain the reasons for its extremely long delay in submitting the report. She wished to know whether the Convention was recognized as a legally binding instrument for the protection of rights and whether its provisions were applied in legal proceedings. She would also like to know more about the national action plan for the implementation of Security Council resolution 1325 (2000), including whether it contained links and references to the Convention and the national action plan for its implementation.

23. **Ms. Haidar**, recalling the concerns raised about possible ethnic cleansing, asked what proportion of the Muslim population had been displaced and what provisions had been made for them. Clarification regarding the circumstances that had forced so many to flee to Chad would be appreciated.

24. **Ms. Schulz** asked how the Government determined its priorities and whether the needs of women took precedence. She would like to know whether the reconciliation commission and the permanent commission on dialogue were fully operational and what resources they had been allocated; what measures had been adopted to prevent incitement to hatred and hate speech; what time frame was envisaged for the elimination of discriminatory legislative provisions; and whether the Government was cooperating with MINUSCA in that area.

25. **The Chairperson**, speaking in her capacity as an expert, asked what the State party was doing to restore its prisons, address the security challenges within the judicial system and prevent impunity; whether it concurred with those who ascribed the crisis to a failure of successive governments to impose the rule of law and prevent the marginalization of certain regions and minorities and viewed the conflict as political rather than religious; and what support it was seeking from the international community to help to rebuild the social fabric.

26. **Mr. Samba** (Central African Republic) said that the poor governance of previous regimes was undoubtedly at the root of the crisis. The minority Muslim population had felt marginalized and had eventually reacted. What was important at that point was to identify not causes but solutions; in order to achieve that goal, greater calm, compassion and brotherhood was needed on all sides. Security issues underpinned all the Committee's questions; once security was restored, the violence against women would cease and their rights could be upheld.

27. There had been no ethnic cleansing. The transitional Government had been powerless to stop the exodus of Muslims to Chad, which had been driven by security fears, but it would be looking for ways to encourage their return.

28. **Ms. Ramadan** (Central African Republic) assured the Committee that the late submission of the report was not indicative of a lack of concern for gender issues. Women's advancement had been a central pillar of government strategy since independence and the Directorate-General for the Promotion of Women had existed since the 1990s. However, the State party was dependent on the support of the international community for most of its actions and its earlier attempts to submit reports, in 2002 and 2006, had been frustrated by insufficient funding, expertise and data, and a lack of consensus among its supporting partners.

29. The action plan to implement Security Council resolution 1325 (2000) covered disarmament and gender issues. Women had been involved in the conflict as combatants and as sex slaves and that problem had not yet been eradicated, again due to lack of funding. A programme had been initiated but, as so frequently occurred, funds had had to be diverted to emergency interventions. She asked the delegation to clarify their questions regarding prioritization.

30. **Ms. Schulz**, noting that certain services, such as health services, were beneficial to all population segments but particularly important for women, explained that she wished to know whether, in determining the allocation of its scant resources, the State party prioritized programmes that were of particular benefit to women and girls.

31. **Ms. Ramadan** (Central African Republic) said that in the 50 or so camps established since the start of the crisis, the transitional Government had been working with the World Health Organization and the United Nations Population Fund to identify women's sexual and reproductive health needs and gather information about gender-based

violence during the conflict. Additional, targeted services were being introduced in response to the findings. The distribution of basic hygiene kits, known as dignity kits, was one such measure. At the nationwide level, the Government endeavoured to ensure that gender was taken into account in all policy areas.

32. **Mr. Mamadou** (Central African Republic), highlighting the mix of faiths represented on the delegation and the fact that, although Catholic churches had been targeted by Séléka, they had also provided refuge for Muslims, said that it was important to avoid easy analyses. He conceded, however, that the marginalization of Muslim areas close to the border with Chad and South Sudan had contributed to the crisis. The solution lay in education, and responsibility for ensuring that children received education lay with parents. Unfortunately, some parents chose to send their children to madrasas where they did not receive the essential instruction in French, English, mathematics and computing that would enable them to compete on equal terms upon reaching adulthood.

33. Cooperation with MINUSCA was ongoing. Many pieces of legislation, including the Criminal Code, the Criminal Procedure Code and the Family Code, had already been substantively revised to eliminate provisions that ran counter to the interests of certain social groups. For example, provisions that compromised women's right to landownership had been removed from the Family Code and the Electoral Code was being reworked to facilitate women's access to public office.

34. **Ms. Haidar** said that the State could not absolve itself of responsibility for ensuring that all children of both sexes completed the basic compulsory education curriculum.

35. **The Chairperson**, noting that the non-Muslim population had also on occasions been marginalized, said that inequality, as the main cause of the conflict, was the key issue to be addressed.

36. **Mr. Samba** (Central African Republic) agreed that responsibility for the marginalization and subsequent conflict lay with the State, recalling that some 20 years previously, at a national conference at which all parts of the country had been represented, the Muslim community had alerted the Government to the sense of abandonment felt by many living in the north and had warned of the possibility of armed uprising. Looking to the future, in order to resolve the security situation the Central African Republic needed not only prisons but an entire functioning judicial system, including police officers, courts and judges. Holistic guidance, support and assistance from the international community was required to emerge from the disastrous situation.

37. **Mr. Djada** (Central African Republic) highlighted the need for caution when speaking of marginalization. Muslims were the main economic actors in the country and although the north had indeed been marginalized it was a Christian as well as a Muslim region. The media had aggravated the crisis through references to honour killings and revenge attacks. Sanitation and health systems as well as a functioning judicial system were essential to the restoration of safety and security. Many displaced women were giving birth in the scrubland and many died for want of medical assistance. Since ratifying the Convention, the Central African Republic had taken account of its provisions in law, policies and programmes and had established a framework for its implementation, including a draft law on gender parity. However, resources were urgently required to build on that framework.

Article 3

38. **Ms. Zou** Xiaoqiao, noting that the information provided about the national machinery for the advancement of women was limited, asked the delegation to clarify whether the Ministry for the Advancement of Women and Social Work referred to in paragraph 463 had subsequently become the Ministry of Social Affairs, National Solidarity

and the Family referred to in paragraph 169, and which agency was currently responsible for overseeing and coordinating women's policies. She would like to know more about that agency's mandate, its human and financial resources, its visibility and authority and the mechanisms it used to monitor the situation of women. Recalling that there were also departments for the advancement of women in each of the country's seven regions, she asked what guidance the central agency gave to those local departments and what resources were allocated to them.

39. An update on progress towards the adoption of the bill to establish a national human rights commission would be appreciated. She would particularly like to know whether the bill had been aligned with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles), whether the commission's competencies included gender equality issues, and when it would be formally established and operational.

40. The delegation was also invited to provide more information about the objectives, strategies and results of the National Policy for the Promotion of Equality and Equity, adopted in 2007, to clarify whether the National Policy for the Advancement of Women, adopted in 2002, was still operational, and to detail the impediments to the effective implementation of both policies. Had any evaluation of their efficacy been conducted and would their content be revised to reflect the current situation of women in the Central African Republic?

41. **Ms. Ramadan** (Central African Republic) said that the Directorate-General for the Advancement of Women, which reported to the Ministry of Social Affairs, National Solidarity and the Family, was the institution responsible for coordinating all activities intended to promote gender equality. The Directorate-General comprised the Directorate for Women's Programmes and Projects and the Directorate for Women's Information and Education. There were also regional directorates that dealt with gender issues. The Directorate-General received support from the United Nations Population Fund and other partners.

42. **Mr. Djada** (Central African Republic) said that women actively participated in the activities of communal councils. The Government planned to set up women's organizations that could contribute to development objectives at both the communal and village levels. Those organizations would also work with national women's institutions. Each ministry had its own women's organization. Representatives of those organizations met with the heads of the Ministry of Public Health and the Ministry of Social Affairs, National Solidarity and the Family to discuss recent developments concerning gender.

43. **Mr. Bangayassi** (Central African Republic) said that the Government had originally planned to create a separate ministry for gender issues but that the situation in the country and the financial crisis had prevented it from doing so. The Government had created the Sectoral Committee on Gender Equality and Poverty Reduction to support the work of the Directorate-General for the Advancement of Women. The Sectoral Committee was composed of senior officials from the different government ministries and representatives from other institutions. An expert in population and development issues had trained all the senior ministerial officials serving on the Sectoral Committee; focal points for gender had also been appointed. The Government's policy on gender equality aimed to: ensure that men and women could participate in the economic, social, political and cultural life of the country on equal terms; encourage women to participate in decision-making processes; reduce inequality in access to resources; ensure that the needs of both men and women were reflected in national policies; eliminate intolerance and violence; and to ensure that women and girls could exercise their fundamental rights.

44. **Mr. Samba Maliavo** (Central African Republic) said that the Government had undertaken to establish a national human rights institution, but that the current situation in the country had prevented it from doing so. However, various bodies already performed the functions of a national human rights institution. The absence of a national human rights institution did not impede the promotion of gender equality in the Central African Republic.

Article 4

45. **Ms. Schulz** said that the State party's national legislation still contained a large number of discriminatory provisions. Experiences in other conflict-torn countries had shown that the more women there were in parliament, the more parliament prioritized the realization of women's rights and providing essential services to the population. Noting that elections for a new parliament to replace the current national transition council were scheduled to take place at the beginning of 2015, she asked whether the Government planned to introduce a quota to guarantee the effective participation of women in those elections and in elections to other State institutions. There should be a quota for female candidates on election lists and for women in parliament. The Committee would also like to receive additional information on the bill concerning gender parity.

46. **Ms. Ramadan** (Central African Republic) said that the bill concerning gender parity had not yet been adopted. The bill established a quota for women in positions of responsibility and in decision-making bodies but not for women in parliament.

47. **Mr. Bangayassi** (Central African Republic) said that the bill on gender parity provided that men and women should enjoy equal access to electoral mandates and elected office. Any form of gender-based discrimination within State or non-State institutions ran counter to the Constitution. Political parties and State institutions should put forward an equal number of male and female candidates for electoral mandates and for elected office.

48. **Mr. Mamadou** (Central African Republic) said that the people of the Central African Republic were accustomed to being governed by men and for that reason they were often reluctant to support female electoral candidates. There was a need to raise public awareness of the importance of women's participation in decision-making bodies.

Article 5

49. **Ms. Hayashi** said that women and girls were frequently the victims of acts of sexual and gender-based violence committed by male family members and the wider community. Despite there being no law that gave a husband the right to inflict punishment on his wife, husbands who believed their wives to have behaved in a way that had injured their pride often subjected them to physical assault. She asked whether the 2006 Act for the protection of women against violence and the amended Criminal Code defined and criminalized sexual and gender-based violence, including domestic violence and rape; and whether victims of such violence had access to health-care and social services, and to redress. She also wished to know whether the State party intended to amend article 46 of the Criminal Code, which provided that the murder of a spouse in the case of adultery was pardonable. Lastly, she asked what measures the State party had taken to give effect to the recommendation of the United Nations High Commissioner for Human Rights that it should adopt legal reforms to combat sexual and gender-based violence by introducing new criminal offences and increased penalties, and expand the scope of protection of and support for victims of sexual and gender-based violence.

50. **Ms. Leinarte** said that, although the Criminal Code prohibited the abuse of widows, in practice, they were often subjected to violence and had their property confiscated. The provisions of the Family Code establishing the husband as the sole head of the family and precluding widows from inheriting property and other assets after their husband's death

were clearly discriminatory. She asked whether the Government had considered amending those provisions. Polygamy should also be classed as a harmful customary practice and should be outlawed. The dowry system could also prove detrimental to women, as a husband who had paid a large dowry often thought of his wife as his property. Noting that the Family Code established the payment of a dowry as a formal condition of marriage, she asked whether the State party intended to amend the provision in question.

51. **Mr. Samba Maliavo** (Central African Republic) said that the Family Code recognized polygamy as an option and that the dowry system was an established custom in the Central African Republic. Following established customs did not in itself constitute a human rights violation.

52. **Ms. Ramadan** (Central African Republic) said that article 46 of the Criminal Code had been amended so that the murder of a spouse in the case of adultery was no longer pardonable. The amended Criminal Code and the 2006 Act for the protection of women against violence penalized all acts of violence against women. The Government was working with NGOs to raise women's awareness of their rights. Many wives were reluctant to take legal action against their husbands, as their imprisonment would deprive their family members of their means of subsistence.

53. **Mr. Bangayassi** (Central African Republic) said that the Government planned to establish a rapid response unit to tackle the problem of sexual violence against women and children. The unit would be composed of law enforcement officers and health-care workers. Furthermore, the Family Code had been amended to make men and women jointly responsible for managing the household.

54. **Ms. Jahan** said that, while following established customs and traditions did not in itself constitute a human rights violation, certain practices that were harmful to women and that served to perpetuate male dominance over them prevailed in the State party. She enquired as to the progress achieved under the national action plan against violence, particularly regarding female genital mutilation.

55. **Ms. Šimonović** said that the State party should use the Convention as a tool for addressing all forms of gender-based discrimination and for empowering women. She reminded the State party of its obligation to bring all national laws into conformity with the Convention. She asked whether students were taught about the Convention and other international treaties, and whether government officials recognized the Convention as a legally binding instrument and referred to it when performing their duties.

56. **Ms. Schulz** asked whether the provisions of the Criminal Code prohibiting acts of violence against women and girls accused of practising witchcraft were compatible with those criminalizing the practice of witchcraft. The Special Rapporteur on extrajudicial, summary or arbitrary executions had indicated that many of the women and girls accused of practising witchcraft belonged to vulnerable or disadvantaged groups and that they were often excluded from society, subjected to violence or killed with impunity. She wished to know whether the State party intended to amend the Criminal Code to decriminalize witchcraft; and what steps the State party had taken to deter acts of violence and discrimination against those women and girls, to alter social perceptions of witchcraft and to prevent mob justice against those women and girls.

57. **Mr. Samba Maliavo** (Central African Republic) said that although the Criminal Code prohibited acts of violence against women and girls accused of practising witchcraft such a prohibition was sometimes difficult to enforce in the more remote areas of country.

58. **Mr. Djada** (Central African Republic) said that the elderly, the ailing and women with deformities were often accused of practising witchcraft. Persons accused of practising

witchcraft were brought before a customary judge, who was more familiar with dealing with such cases.

59. **Mr. Mamadou** (Central African Republic) said that victims of sexual and gender-based violence did indeed have access to health-care and social services. However, there were currently no shelters to accommodate women in difficulty owing to a lack of financial resources. Despite the fact that a law abolishing the practice of excision had been adopted in 1966, the practice persisted in certain regions of the country. In those regions, excision carried great cultural significance and women who did not undergo the procedure, which was considered to be a rite of passage, were targets of mockery. The Government had launched campaigns to raise public awareness about the dangers of excision. The fact that the procedure was not performed in a medical establishment increased the risk of complications.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Fifty-eighth session

Summary record (partial)* of the 1234th meeting
Held at the Palais des Nations, Geneva, on Friday, 11 July 2014, at 3 p.m.

Chairperson: Ms. Patten (Vice-Chairperson)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second to fifth periodic reports of the Central African Republic (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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In the absence of Ms. Ameline, Ms. Patten (Vice-Chairperson), took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second to fifth periodic reports of the Central African Republic (continued) (CEDAW/C/CAF/1-5; CEDAW/C/CAF/Q/1-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Central African Republic took places at the Committee table.*

Articles 1 to 6 (continued)

2. **Ms. Ramadan** (Central African Republic) said that female genital mutilation continued to be practised in parts of the country despite a law against it dating back to 1966. However, the prevalence rate had been steadily falling, from 43 per cent in 1995 to some 28 per cent according to a recent survey, owing to effective campaigns to raise awareness of the dangers of the harmful practice, especially among practitioners.

3. **Ms. Gabr** asked whether the Government intended to adopt national legislation to combat trafficking in persons, in particular women and children. She wished to know how the Government planned to better enforce the relevant provisions of the Criminal Code and the Labour Code and to cooperate with neighbouring countries in that domain. She suggested that the Government should also consider how best to assist and rehabilitate victims of trafficking.

4. **Ms. Leinarte**, while commending the State party for not punishing women who engaged in prostitution, suggested that the Government should combat negative cultural norms, such as the stigmatisation of widows, in order to prevent women from being forced to turn to prostitution. She asked whether any recent studies had been carried out regarding sex tourism and, if so, what its findings had been.

5. **Mr. Bangayassi** (Central African Republic) said that, to the Government's knowledge, there was no trafficking in persons; however, given that part of the country was currently not under Government authority, it was possible that that there were unreported cases of trafficking. Procurement was an offence under the law and the National Committee to Curb Traditional Practices Harmful to the Health of Women and Girls and Violence against Women had been tackling the issue of prostitution, although it was currently inactive because of the conflict. His Government cooperated with neighbouring countries in a number of areas, including within the framework of the International Conference on the Great Lakes Region.

6. **Ms. Gabr** said that she took issue with the delegation's assertion that trafficking did not exist in the State party, which was contradicted by reports by reliable international organizations that described cases of human trafficking in detail as well as forced marriage and forced labour.

Articles 7 to 9

7. **Ms. Pires**, highlighting the fact that the State party was the first French-speaking country to elect a female President, commended it on its efforts to involve women in public and political life. Nevertheless, she asked how the Government intended to guarantee women's participation in decision-making, including in peacebuilding and reconstruction processes. In the light of the ongoing violence and insecurity, she wished to know how the Government would foster a culture of democracy that allowed for peaceful opposition. She enquired about any measures planned for strengthening women's management and

leadership capacity. She urged the transitional Government to use the upcoming elections to introduce both quotas for women candidates and sanctions against political parties that failed to meet them.

8. **Ms. Ramadan** (Central African Republic) said that a bill on gender equality was under consideration by the Government and would soon be submitted to the transitional parliament and that her delegation would look into the possibility of incorporating quotas for women in parliament into the final draft.

9. **Ms. Haidar** commended the State party for giving women the right to transmit their nationality to their children; however, in future, it should consider authorizing them to transmit it to their foreign spouses as well. In the light of the conflict, she asked what measures were being taken to ensure that consular services were available for children born outside the country, how children born as a result of rape were treated in respect of nationality and what measures were in place to guarantee that those who were forced to flee to neighbouring countries were able to keep, renew and use their identity and travel documents and return to the country if they wished.

10. **Mr. Mamadou** (Central African Republic) stressed that persons who fled to other countries were no longer the responsibility of the Government, but that of their host countries and humanitarian organizations. As in many countries, the mere fact of marriage and cohabitation did not automatically confer Central African nationality on foreign spouses; they were entitled to naturalization, but only after a given period and if they fulfilled certain requirements.

11. **Mr. Samba** (Central African Republic) emphasized that, although the delegation took note of the Committee's recommendations, the situation on the ground made it difficult for Central African missions abroad to assist nationals who had fled the conflict. Given that many civil registry offices had been destroyed, it was also difficult to provide internally displaced persons with identity documents. He appealed to the international community for technical assistance.

12. **Ms. Ramadan** (Central African Republic) said that the United Nations Children's Fund (UNICEF) had recently set up a birth registration programme. Regarding children born as a result of rape, she said that awareness-raising campaigns had been carried out to prevent the stigmatization and shunning of mothers and their children.

Articles 10 to 14

13. **Ms. Bailey**, noting the devastating effect of the conflict and ongoing insecurity on education infrastructure and school attendance, asked how the Transitional Government intended to finance the reconstruction of schools; how long it would be before the education system was operational again, at least at the basic level; what strategies were being considered to encourage students and teachers to return to school; how the shortage of teachers would be addressed; how teachers would be prepared for dealing with their own emotional scars as well as those of their students; how the security issue would be tackled; how prevalent sexual violence was in schools and how it was handled; and whether displaced children living in camps continued to receive an education.

14. **Mr. Samba** (Central African Republic) said that education could not be adequately addressed without first rebuilding a fully functioning State. While his delegation was compelled to admit that it did not have immediate solutions to many of the issues raised by the Committee, its questions would serve as an impetus to dealing with the systemic difficult problems facing the country.

15. **Mr. Mamadou** (Central African Republic) said that a prevailing climate of fear continued to prevent children from returning to school and that most schools had been

pillaged and burnt down. The Government lacked the wherewithal to ensure that all children attended school. Recreational activities were organized for children living in the camps to help them to get over the trauma caused by conflict and displacement but no formal schooling was provided.

16. The country was also affected by a severe shortage of qualified teachers and health workers, as most of those who had been in areas outside the capital had had to flee for their lives. The Government had offered considerable financial incentives to health workers to return to areas that they had once fled. However, those incentives fell far short of expectations, as the workers continued to fear for their lives.

17. **Ms. Bailey**, while recognizing the complexity of the situation, said that the Government had an obligation to ensure education for all. Furthermore, it was impossible to rebuild the country without an educated workforce. The State party must begin devising a recovery strategy. The introduction of a private, fee-paying school system would immediately discriminate against poorer people and the creation of a two-tier system should be avoided.

18. **Ms. Pomeranzi** asked whether the Government was working with its international partners under the emergency programme to organize education and health care in camps for internally displaced persons.

19. **Mr. Bangayassi** (Central African Republic) said that the current situation affected not just education but all State sectors. Education was a Government priority but what was needed first and foremost was peace and security. Security was most problematic in provincial schools; some teachers had been killed and many others had fled to Bangui.

20. **Mr. Mamadou** (Central African Republic) said that the State party was working with various international partners to prepare the transition from the emergency phase to early recovery. However, it was very difficult to predict when recovery would be possible since the situation was so volatile.

21. **Ms. Haidar**, returning to the issue of nationality, emphasized that statelessness made people very vulnerable. Recognizing that the State party was facing immense challenges, she expressed concern that the Government did not have the means to implement the necessary recovery measures and that prevailing institutional chaos made it very difficult to draw up useful recommendations. How could the country work with the international community to take control of its destiny?

22. **Mr. Samba** (Central African Republic) said that the State party had received less than a third of the financial assistance that it had requested from the international community, which had an obligation to help under Security Council resolution 2127 (2013). Nevertheless, the Government had a responsibility to initiate recovery projects, despite the lack of resources. With regard to nationality, he said that not all marriages and births were registered and that a strategy should be drawn up to address the issue.

23. **Mr. Bruun** asked what the Government could do once the situation had improved to enable women to contribute actively to the economy. Had it approached the International Labour Organization (ILO) to arrange technical assistance? He asked whether judges were currently receiving wages, which was crucial in order for the State to function properly.

24. **Mr. Samba** (Central African Republic) said that the employment issue did not relate to gender equality but to a general shortage of jobs and a lack of resources to create opportunities. The State party had approached ILO and an official request for technical assistance would be submitted. It had received subsidies to help to cover salaries in the immediate future, but those funds would only last until September or October. Without salaries, people would not be able to support their families or send their children to school, which would create a new crisis.

25. **Mr. Mamadou** (Central African Republic) said that, like all civil servants, judges were currently being paid on a quarterly basis. University lecturers in Bangui had recently held an eight-day strike; if it was prolonged, it could have a domino effect and spread to other sectors, which would be catastrophic. Meanwhile, the Government had to be able to ensure its core financial and security functions.

26. **Ms. Nwankwo** asked whether, if it was able to increase its budgetary resources, the Government would address the current health-care crisis. Given the extremely limited access to services, priority should be given to ensuring life-saving heath care. She asked whether abortion was legal in cases where the woman's life was in danger, the pregnancy had resulted from rape or incest or there was likelihood of serious birth defects. A 2011 report by the United Nations Population Fund (UNFPA) had included alarming statistics on the country's rate of maternal mortality, the causes of which included unsafe abortions, limited prenatal and postnatal care and poor hospital conditions. What could the Government do to restore women's access to reproductive health-care facilities, particularly in rural areas? What was it doing to address the HIV/AIDS epidemic, in particular mother-to-child transmission? Lastly, were there plans to cooperate with the media to address the issue of irresponsible sexual behaviour?

27. **Mr. Samba** (Central African Republic) said that, under the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, States had an obligation to allocate at least 15 per cent of their national budgets to public health. In the current situation that was simply not possible. While some deaths occurred as a result of clandestine abortions, malaria was a much greater killer of mothers and children.

28. **Mr. Djada** (Central African Republic) said that the national health policy had yielded positive results and ensured that trained health professionals were present in all areas. Those professionals, along with the Association Centrafricaine pour le Bien-Être Familial, worked to raise awareness about family planning. Abortion was not legal but termination of pregnancy for medical reasons could be authorized by doctors. While there were no exact figures relating to clandestine abortions, the practice was becoming more common among young women, owing to economic constraints and irresponsible sexual behaviour. The Government was working with non-governmental organizations to address that issue, but it was currently only possible to carry out needs assessments.

29. **Mr. Bangayassi** (Central African Republic) said that termination of pregnancy for medical reasons was permitted to save the life of the woman, including in cases of foetal impairment or problems involving rape. Cases of termination of pregnancy involving rape, however, must come before the courts and be approved by a panel of doctors before an abortion could be performed. The major causes of maternal mortality included distances to hospitals, a lack of motivation on the part of unpaid hospital staff and a shortage of proper equipment. The Government had worked with various international organizations to develop a plan for reducing the maternal mortality rate, which must be duly implemented.

30. **Mr. Mamadou** (Central African Republic) said that the institutional crisis had meant that funds set aside for health could not be paid out. Thankfully, the international community had helped establish public health programmes. At the national level there was a programme for the prevention of parent-to-child HIV transmission. Centres had been established to supply antiretroviral drugs and contraceptives, but the crisis had prevented people from accessing those centres. Some patients had become resistant to the drugs owing to the interruption in treatment.

31. **Ms. Pomeranzi** wished to know whether the State party intended to do anything to recognize the economic role of women in the informal sector. The current situation was out of the ordinary, but it also created an opportunity to start anew – that is, to show more concern for the economic rights of women. She thus wished to know whether the

authorities were prepared to negotiate for the economic empowerment of women in the post-conflict rehabilitation phase and whether there were any plans to implement any social-welfare programmes meant especially for women.

32. **Mr. Djada** (Central African Republic) said that 80 per cent of the State party's population was employed in the agricultural sector and that women played an essential role, as it was they who travelled to buy and sell goods. In addition, most of the clients of microfinance institutions were women, and the small loans they were awarded enabled them to play an important role in the retail trade, especially in the informal sector. The authorities had debated at considerable length the issue of whether those who worked in the agricultural sector could benefit from social security, but instituting such a system posed the problem of collecting contributions. In short, the idea had been considered, but there were not yet any results. Two projects were under way to help women in the districts of Bangui most heavily affected by the conflict; the aim was eventually to duplicate the experience in the cities of the interior. One project, run in conjunction with the International Committee of African Women for Development (CIFAD), had successfully set up funds to finance a number of projects. Regrettably, the conflict had broken out and armed groups had seized everything.

33. It was perhaps necessary to look into the extent to which it would be possible to encourage greater lending to women, enabling them to generate income and expand their businesses. The women of the Central African Republic were a great resource. But for their efforts, often involving travel to Cameroon, the country's markets would have been empty.

34. **Ms. Gabr** said that the large share of agricultural goods produced by women required State support. If rural women did not receive sufficient support, the county would be likely to suffer a food crisis. The outbreak of the conflict had worsened the already difficult situation of rural women, and in view of the threat of hunger she wished to know what the State party intended to do to facilitate women's return to the fields. She also wished to know how the State party planned to focus development on rural areas and how it viewed the participation of women in decision-making in rural areas.

35. **Ms. Leinarte** said that given the near-total destruction or abandonment of the country's prisons, she would welcome comments on the situation of female detainees, a particularly disadvantaged group. In that connection, she wished to know how many women were currently in detention and whether female prisoners had female guards. Currently being drafted was a bill on protecting indigenous peoples from slavery. What provisions to protect female pygmies, another disadvantaged group of women, would it include? Pygmies, especially children, were exploited for slave labour, and mainstream society evidently had highly negative views of that population group. She thus wished to know what measures the Government had taken to combat those views and promote greater integration of pygmies.

36. **Mr. Bangayassi** (Central African Republic) said that all crops and stores of seed had been destroyed and that most people had abandoned their homes and taken refuge in the bush. For rural women to be able to produce, peace and security had to be restored. Indeed, if peace and security were not restored in six months to one year, there would be a food crisis. One project that had been drawn up with the support of the UNFPA and would have offered women training, including agricultural training, had had to be shelved when the conflict broke out. On decision-making, a study done in partnership with the World Bank showed that women participated heavily in village- and town-level decision-making in Bossangoa, in the prefecture of Ouham, whereas in Yaloké they were largely ignored by decision-making bodies at all levels. The reason for the disparity was that in Ouham a good deal of awareness-raising regarding gender issues had been done. It was also because of such disparities that the Government had set up a department to deal with gender issues. In

rural areas there was still much work to be done for people to understand that women, too, had contributions to make to the development of the country.

37. **Ms. Ramadan** (Central African Republic) added that the Government had a road map for a way out of the crisis. Economic recovery, which involved revitalization of the primary sector, was one of the major components of the map, and it was for that reason that the Food and Agriculture Organization (FAO) was supporting two government projects that were distributing seeds and farming equipment to nearly 500 women's groups.

38. **Mr. Djada** (Central African Republic) said that considerable work was being done in spite of the crisis. A large part of the region, for instance, was covered by a project financed by the International Fund for Agricultural Development (IFAD). Women had been given special consideration, and as a result seeds and the means of production had been made available to them under the project. Women had also been provided with so-called multifunctional platforms in 11 communes, but the conflict had put a stop to everything. At the moment, the Government was negotiating with the African Development Bank, which was the financial partner, and it was likely that the implementation of the project would be under way again shortly.

39. Turning to the alleged exploitation of pygmy children, he said that some years earlier such children had indeed been enslaved but that considerable progress had been made, especially since the country had ratified the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989, (No. 169). There was even a pressure group that worked on behalf of minorities, including the Fulani and pygmy communities. Pygmies could no longer be asked to work without pay, their children were in school, and there was even a special school to help them to integrate, although it was true that some parents had not understood the necessity of sending their children to school. One member of the pygmy community, a young woman, was studying at university.

40. **Mr. Mamadou** added that the Fulani were more likely to have attended school than pygmies, who were now referred to as indigenous peoples, as "pygmy" was becoming slightly pejorative. A minister in the last Government was a member of the Fulani community.

41. **Ms. Gabr** recalled that the participation of rural women in the development of their villages required political will, not financial resources, and asked how the Government planned to encourage it.

42. **Mr. Djada** (Central African Republic) said that the Government was closely monitoring the involvement of women in decision-making in rural areas, and what could be seen was that villages and neighbourhoods were increasingly likely to be headed by women. The Government also ensured that if the mayor of a commune was a man, the members of the communal council had to be women. In the Central African Republic, the commune was the major local administrative unit, and the women involved with the women's groups were represented on the communal council, where they took part in decision-making.

Articles 15 and 16

43. **Ms. Halperin-Kaddari** emphasized that the plight of women and girls was worsened by discriminatory legislation that legitimized violations of their rights, including the right to physical integrity, as was the case, for example, with child marriages. The Family Code of the State party might well have set the minimum age for marriage at 18, but it also allowed for several exceptions, and reliable sources had indicated that nearly 30 per cent of women had married before the age of 15. There had also been reports that girls were being forced to marry Séléka irregulars. She thus wished to know what measures the Government had taken to address the forced marriages of girls to members of the rebel

coalition and what plans had been made to train law-enforcement officials, including judges and lawyers, so that they were aware of the issues involving child marriages and capable of dealing with them.

44. She added that she found the initial response to questions about polygamy, bride prices and the status of the man as the head of the family discouraging. It was true that change could not occur overnight, but it was crucial for the Government to acknowledge discriminatory laws and practices. In its concluding observations and in general recommendations Nos. 21 and 29 the Committee had stated that those practices were violations of the Convention and should be abolished. The State party itself had acknowledged that bride prices reflected a woman's market value, and the man who paid a large amount for his wife viewed her as his property. The State party had also acknowledged that opting for polygamy was the prerogative of the husband alone; the wife's opinion was disregarded. She thus wished to know whether the Government had acknowledged that such customs were violations of women's rights and what it was planning to do to abolish them. Lastly, she wished to know whether women in informal unions, an apparently widespread phenomenon, were entitled by law to any economic safeguards, as women in formal marriages were.

45. **Mr. Samba** (Central African Republic) emphasized that there was no law obliging men to be polygamous. They were allowed, however, to take up to four wives. Bride prices, for their part, were not always viewed positively. Some people considered asking for a bride price akin to selling off their daughters. Others considered it their duty. The people of the Central African Republic were divided over the issue. Polygamy and bride prices had to been seen not from the perspective of discrimination but from that of the culture of the country. They were customs that would die out on their own; it was of little use to ask the Government of the Central Africa Republic to tell the people of the country that their customs were discriminatory and had to be done away with. Just as it had taken France years to give women the vote, it would take the Central African Republic time to deal with practices that were not discriminatory, although they struck the Committee as such.

46. Regarding couples living together in informal unions, he said that the Central African Republic had inherited the Napoleonic Code and that if a couple living as man and wife separated the law provided for the division of property to which each party was entitled. Laws governing succession were much the same as in countries considered civilized. What set the Central African Republic apart was the prevalence of polygamy and bride prices. Like polygamy, paying a bride price was not compulsory. Culturally, however, such payments highlighted a suitor's worth. They were not discriminatory.

47. **Ms. Ramadan** (Central African Republic) added that bride prices and polygamy were questions of culture. An anthropological survey taken as part of the elaboration of the current Family Code showed that women in rural areas were in favour of polygamy simply because farm work was so hard that it was only with the help of fellow women that they managed to get it done. Urban women, on the other hand, opposed polygamy. For rural women, polygamy had little to do with matters of the heart; it enabled them to increase production and their numbers helped them to assert their views. Men who wished to take more than one wife were allowed to do so, and it was for them to decide whether they were better off with multiple wives. That was not always an easy decision, as there was never any peace and quiet in a polygamous household. For many men, it was hard enough to cope with one wife, let alone two. Some, however, had large fields and needed the labour of two or three persons.

48. Turning to the issue of bride prices, she said that in the past, in the event of divorce, the sums disbursed had to be returned; now, however, the survey had shown that bride prices were paid to compensate a bride's parents for the loss of their daughter. Bride prices

were symbolic gifts that were no longer returned in the event of divorce and in no way did they turn girls into articles of commerce.

49. The forced marriages of girls were indeed considered a harmful practice. Regrettably, despite the work of the Government and non-governmental organizations, members of the Muslim community sought to marry off their daughters at an early age. The authorities were making efforts to combat child marriages, but changing mindsets was a long-term undertaking, and the task had been greatly complicated by the arrival of Séléka forces, many of whose Muslim commanders had taken child brides.

50. **Mr. Mamadou** (Central African Republic) added that when the bride and groom appeared at the civil registry office before the mayor, the groom would be asked whether he wished to opt for polygamy or monogamy. Regrettably, the bride was not asked for her opinion.

51. In Muslim communities the age of majority was not 18. It was 12. From a modern Western perspective, that age could appear shockingly young, but in some cultures, for reasons often having to do with religious traditions, age 12 was more than enough.

52. **Ms. Haidar** said that she understood that polygamy was an option available to men of all communities, not just Muslims, and that it was just as well that it was optional, as she was not entirely sure what requiring a man to take more than one wife would lead to. In that connection, she wished to know whether a similar situation obtained regarding child marriages – that is, if polygamy was practiced in communities other than Muslim ones, could the same be said of child marriages? Did the law regarding the age of majority apply to non-Muslim communities?

53. **Ms. Gabr** recalling that the Central African Republic had ratified the Convention on the Rights of the Child, for which a child was any person below the age of 18, said that it had not entered a reservation on grounds that it was incompatible with the traditions of the Muslim communities living in the country. Nearly every Muslim country had ratified the Convention on the Rights of the Child, and although in some of those countries dispensations were available for marriages of girls as young as 16, it was unthinkable that 12-year-old girls could be legally married.

54. **Mr. Djada** (Central African Republic) said that he understood that child marriage was a more common phenomenon in the predominantly Muslim areas of the country. It was not widespread in other areas, and the marriage of a 12-year-old girl would never be legitimized by a civil registry official. Outside the law, however, such marriages did take place, and although it would not be easy, the authorities were confident that the practice would eventually be done away with.

55. **The Chairperson** thanked the delegation for the information that it had provided and expressed the hope that, given the President's reaffirmation of her belief in dialogue, reconciliation and justice, the Central African Republic could achieve lasting peace.

The discussion covered in the summary record ended 5.20 p.m.